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FOREWORD

It seems appropriate on the occasion of the Thirteenth Session of the United Nations General Assembly, to review the long struggle of the peoples of Southern Arabia to achieve the basic rights which are enunciated in the United Nations Charter.

In fact, tension has been clouding international affairs as a result of the situation in the Southern fringes of the Arabian Peninsula. This situation is the outcome of the decaying imperialist policies still practiced by the United Kingdom in the second half of the Twentieth Century. During the Nineteenth Century and early Twentieth Century, in her competition with other world powers, the United Kingdom extended her control over lands far from the British Isles. We need not describe how illegal and forced this expansion into the area under study was because these facts are elaborated in the following text. Nor need we embark upon elaborating the concept of imperialism. Suffices it to stress that "the story of imperialism and militarism constitutes the history of power as it has been exercised by one group over another, by the strong over the weak and the free over the slave." Imperialism is the "most momentous world problem of our age."

With the winds of Arab nationalism blowing strong and hard, the Southern fringes of the Arabian Peninsula cannot—by any stretch of imagination—be isolated from the Arab World. No amount of oppression or terrorism will subdue the clamor for independence and freedom of the Arabs in this area. The Representative of Yemen, Ambassador M. Kamel Abdul Rahim, in his address in the general debate of the Thirteenth Session of the United Nations General Assembly stressed that, "brute force can never separate the Southern Arabian Peninsula from the rest of the Arab homeland. No power on earth can isolate this area for long from the strong surge of Arab nationalism. The peoples of this area intend to fight for their inalienable rights of freedom and self-determination. If the present occupying power refused to see the clear handwriting on the wall and persists in the use of brutal repression, I solemnly warn this Assembly of the danger of a new Algeria in the Southern Arabian Peninsula."

This paper is not intended to deal with all the colonial problems of the Southern Arabian Peninsula; it will only deal with the British-

Yemenite dispute over the British-occupied territories of Yemen in Aden, British aggression against the Imamate of Oman, and the British-Saudi dispute on Buraimi. The part of this paper dealing with the dispute on Buraimi was kindly provided by the Mission of the Kingdom of Saudi Arabia to the United Nations.

New York, November 15, 1958

M. FATHALLA EL KHATIB, Ph.D.
Chief of Research

BRITISH PENETRATION AND IMPERIALISM IN YEMEN

I. YEMEN IN HISTORY

PART 1

BRITISH PENETRATION

AND IMPERIALISM IN YEMEN.

By

M. FATHALLA EL KHATIB, Ph.D.

and

KHALID I. BABAA, M.A.

BRITISH PENETRATION AND IMPERIALISM IN YEMEN

I. YEMEN IN HISTORY

Throughout classical times, Yemen, Aden and Hadramaut¹ formed an integral part of *Arabia Felix* (Happy Arabia), the southern of the three divisions into which the Arabian Peninsula was divided. Aden, an important seaport and trade center connecting the Indian Ocean and the Red Sea, had always been an integral part of Yemen—so much so that even British writers could not distinguish between them. In 1877, F. M. Hunter asserted that “the history of Aden is so inseparably bound up with that of Yemen, it is impossible in tracing the annals of the settlement (Aden) from the earliest times to avoid following to a certain extent, that province (Yemen) through the various vicissitudes of fortune that have taken it.”²

Because of the importance of Aden, many nations attempted to capture it and use it for their own purposes. Among these nations, in early history, were the Romans, Ethiopians and Persians.

The year 893 A.D. witnessed a significant event in the history of Yemen. During that year Al-Hadi Yahya Ibn Hussein El-Haq, a first decendent of the Caliph Ali, founded the Rassite dynasty which based its rule on the Zaidite Sect of Islam. Since then, the system of Government in Yemen has been basically dependent upon the teachings of the Quran. According to these teachings the ruler should be selected or elected by the people or their representatives. In case a Caliph nominates his successor, such a nomination needs the approval of the people.

The authority of the ruler is not only limited to spiritual powers, but also includes control over secular affairs. In ruling, however, he should follow the advice and guidance of the people since it is stipulated in the Quran that the affairs of Moslem peoples “are decided by council among themselves.”³ In addition, another prerequisite for the authority of the Imam, or ruler, is that he should observe the principles of justice and equity.

¹ Now after the British expansion in Arabia, Aden and Hadramaut form Aden Colony and Protectorate.

² F. M. Hunter, *Account of British Settlement of Aden in Arabia* (Trubver & Co., London 1877) p. 160

³ Maulana Muhammed Ali: *The Holy Quran*. (Lahore, Pakistan 1951) Chap. 42 v. 38, p. 923.

II. TURKISH INVASION

Yemen's independence under the rule of the Imam was unquestioned until the Fifteenth Century, when the country was subjected to unsuccessful attempts of foreign invasion by the Portuguese, who realized the importance of Aden as a commercial seaport after they had discovered the Cape of Good Hope.

During the Sixteenth Century, when the Ottoman Empire was expanding, the Sultans of Turkey were ambitious to control the Red Sea route to India, and to extend their conquests eastwards.⁴ In their attempts to deny the Portuguese an access to the Red Sea, the Ottomans attacked Aden and almost captured it in 1528, but were compelled to withdraw mainly because of heavy Arab resistance.

Ten years later, in 1538, the Ottoman Turks invaded Yemen once more. They seized Aden and established the Sanjak of Aden and Zabid on the sea-shores of Yemen.

The Arabs of Yemen did not acquiesce in the Turkish occupation of a part of their country, and several revolts therefore ensued. The rebellions of 1547-51 and 1566-70 were indications of the Yemenites' determination to free their country. Thus it has been correctly stated that the Ottomans' "hold on Yemen proved to be precarious."⁵

For example, in 1568 "the Imam Moktadar was obliged to cede to the Sultan his rights as sovereign and was reduced to the governorship of Kukaban," but in 1628 "the Emir of Kukaban revolted, took Sana'a and proclaimed himself Caliph."⁶

The Ottoman troops had no other alternative but to evacuate Yemen. With the completion of this evacuation "the country once again became independent. For two centuries thereafter the Imams of Yemen enjoyed complete independence, and their territories included the whole Aden region and the Hadramaut. He (the Imam) administered the Tihamah, the Aden Region and Hadramaut . . . through Governors who ruled the different cities and districts in the name of the Imam."⁷

Although the Governor of Lahej, for personal reasons of his own disengaged himself from the Central Government in 1728, this action was never recognized either by the Imam or his government.

⁴ Hugh Scott, *In The High Yemen* (John Murray, London, 1942) p.227.
⁵ *The Middle East 1958* (Europa Publications Ltd. London), p. 58.
⁶ A. Farouqy, *Introducing Yemen*, (Orientalia, Inc., New York, 1947) p. 49.
⁷ B. Y. Boutros Ghali, *The Anglo-Yemeni Dispute* (Columbia University, 1955) pp. 7-8.

Recent events, as shall be explained in due course, proved that the citizens of Lahej have always maintained their loyalty to the motherland and are obstinately opposed to separation from their Yemeni brothers.

III. BRITISH PENETRATION AND OCCUPATION

As early as the Sixteenth Century, in competition with the Portuguese and the Dutch, English traders looked East to establish trade with India. Queen Elizabeth I granted permission to the East Indian Company in 1600 to establish commercial enterprises in Aden and the Red Sea. The Company's mission was not accomplished, however, due to the opposition to the company and the refusal of the Yemeni authorities to grant it the necessary permit.

By the close of the Eighteenth Century, Britain maneuvered to occupy Aden and its hinterland. In so doing Britain was motivated first by its strong desire to check the expanding Russian and French spheres of influence and bar them from reaching Southern Arabia, thus threatening British interests in India. In the second place, Britain felt the need for supply stations on its trade route to India.

Early in 1799, in order to check Napoleon's designs on India, Britain despatched a naval force and troops under the command of Colonel Murray to occupy the Island of Perim in the Red Sea. Allegedly because of the shortage of water—in reality because of the fact that the Island proved unsuitable for troops—British forces invaded the Arab mainland and imposed on the chieftains of the tribes a series of so-called "treaties" or "agreements."

The first of these treaties was the Treaty of Amity and Commerce concluded between Sir Home Popham on behalf of the British Government and Ahmed Basaib, Prince of Aden, on behalf of the self-styled "Sultan" Ahmed Ibn Abdul Karim, Governor of Aden and Lehej. This "treaty" was signed on September 6, 1802, providing for a supposed "commercial union" between the East Indian Company and the "Sultan of Aden." According to this union, the ports of Aden were opened for all goods brought in or exported on British ships. The duty to be levied on such goods was not to exceed two per cent for the first ten years and three per cent thereafter, but no higher charges whatever were to be exacted at any time for anchorage, weighing or customs-house.

Furthermore, through the "treaty", a system of capitulation was created by granting lavish extraterritorial privileges and immunities to British subjects.⁹

⁹ For details consult: G. U. Aitchison, *A Collection of Treaties, Engagements and Sands*. Vol. XI (Delhi, 1933) pp. 53-56.

This "treaty" was concluded arbitrarily between unequal parties. It was a *fait accompli* imposed upon the "Sultan" without giving him the opportunity to express his free will. Although he was unauthorized by the rightful ruler, the Imam of Yemen, to conclude such treaties, the "Sultan" nevertheless fell under the pressure of the British forceful occupation. Last but not least, the Imam at Sana'a was not consulted nor did he give his consent.

Attempts were then made by Britain to occupy Aden and its surroundings. Bribes and sabre-rattling were used to persuade the chieftains of the neighboring tribes to cede their land. For thirty-five years Britain was unable to proceed into the hinterland. It was not until the year 1837, when the Indian vessel "Deria Dowlut" was maltreated by some irresponsible citizens of Aden, that Britain found a pretext to occupy and control Aden. Captain Haines of the Royal Indian Navy, representing the British Government, demanded satisfaction. The British, however, refused the "Sultan's" offer to pay compensation and punish the wrong-doers. On the contrary, they demanded that Aden town be sold to them in order to use it as a coaling depot for British ships navigating between the Red Sea and India. Under these circumstances the "Sultan" accepted the British demand, but asked to retain his jurisdiction as chieftain of the tribes in Aden and the adjacent area. The British utterly refused his claim: "Preparations were, therefore, made to coerce the Sultan. On January 19, 1839 Aden was bombarded and taken, and the Sultan and his family fled to Lahej." It is therefore evident that "the title of the British Government to Aden rests exclusively on conquest, and not on purchase."¹⁰

In the interior of Yemen, the Yemeni Central Government was at this time in bitter conflict with the Turks, who were fomenting schisms among the tribes and attempting to occupy Southern Yemen. This explains in part why the British had chosen this particular time to occupy Aden.

Because of the objection by the "Sultan" to British actions a bond was presented on June 18, 1839 with the "Sultan" stipulating that he "Shall not offer any opposition to the British Government" and that he "and his children, in perpetuity, and from generation to genera-

⁹ *Ibid* p. 3

¹⁰ *Ibid*. see footnote

Cf. Robert R. Robbins: "Legal Status of Aden Colony and Aden Protectorate" *Journal of International Law*. Vol. 33 (Sec. One) No. 4, P. 701 where he stresses that "from a legal point of view it is important to notice that negotiations broke off subsequent to the Sultan's refusal to relinquish jurisdiction in Aden, and a bargain with him was not concluded prior to the use of force."

tion, shall receive from the British Government a stipend of 6,500 dollars annually."¹¹

It is evident that the above "bond" was not only concluded between unequals, but it was not a governmental engagement between two legally constituted governments. Furthermore, the chieftain was forced to sign it—as successive events proved—without the authorization of the Central Government of Yemen. In addition, the stipend was nothing more than a bribe to keep the chieftain and his tribes quiet, and the agreement itself "was the genesis of a vast system of stipends thereafter given by the British Government to secure control of the hinterland."¹²

The period from the 1840's to 1880's was characterized by struggle against the British penetration. At the same time the British, through their dealings with the chieftains of the tribes or governors of the Yemeni districts, used the Machiavellian approach of divide and rule, of persuasion through bribes in the form of "stipends," and of intimidation through the threat of using force or the actual expression of this threat. Britain imposed upon the chieftains, without the sanction or even the knowledge of the Central Government of Yemen, so called "treaties" or "agreements"; they included primarily the following stipulations:

1. The British Government undertakes to extend to the chief's territory and its dependencies the gracious favor and protection of His Majesty, the King-Emperor.
2. The chief agrees and promises on behalf of himself, his heirs and successors and the whole of his tribe under his jurisdiction, to refrain from entering into any correspondence, agreement, or treaty with any foreign nation or power and further promises to give immediate notice to the Resident at Aden, or other British Officer, of the attempt by any other power to interfere with his territory and its dependencies.
3. The chief binds himself, his heirs and successors forever that they will not cede, sell, mortgage, lease, hire or give, or otherwise dispose of his territory under his jurisdiction, or any part of the same, at any time, to any power other than the British Government.
4. In consideration thereof, the British Government agrees

to pay the said chief and his successors or successor a specified sum of Maria Theresa dollars every month — on condition that the chief would keep open the roads in his country and under his authority and jurisdiction, and that he would protect all persons who may be going in the direction of Aden for the purposes of trade, or returning therefrom.

"Protectorate treaties" of this kind were imposed on the following tribes:

Soqotra and Qishin, April 23, 1886
Mahri, May 2, 1888
Jemadar of Shihr and Mukall, May 1, 1888
Wahidi of Bir Ali, April 30, 1888 and June 1, 1896
Wahidi of Balahaf, April 30, 1888 and March 15, 1895
Alawi, July 16, 1895
Haushabi, August 6, 1895
Atifi, September 17, 1889
Barhiami, September 21, 1889
Fadhli, August 4, 1888
Aqrabi, July 15, 1888
Lower Aulaqi, June 2, 1888
Irqa, April 27, 1888 and January 7, 1902
Lower Haura, April 28, 1888 and April 7, 1902
Lower Yafa'i, August 1, 1895
Audhali, September 19, 1914¹³

¹³ For full texts of these "agreements" Consult Aitchison: *op. cit.* Vol. XI Part I. For the sake of illustration the following is an example.

PROTECTORATE TREATY WITH THE BARHIMI, 1889

The British Government and Ali bin Ahmed Am-Tommi, Khalaf bin Tarak, Awadth bin Mohammed, Ahed Dakam, Awadth bin Hasan, Hadi bin Haidara, Ali bin Mashkul Awadth bin Salim, Yahya bin Khadar, Salim bin Jabir, Hasan bin Ghalib, Awadth bin Uwaid, and Abdalla Ma'azabi, Shaikhs of the Barhimi territory, being desirous of maintaining and strengthening the relations of peace and friendship existing between them.

The British Government have named and appointed Brigadier-General Adam George Forbes Hogg, C. B. Political Resident at Aden, to conclude a treaty for this purpose.

The said Brigadier-General Adam George Forbes Hogg and Ali bin Ahmed Am-Tommi, Khalaf bin Tarak, Awadth bin Mohammed, Ahmed Dakam, Awadth bin Hasan, Hadi bin Haidara, Ali bin Mashkul, Awadth bin Salim, Yahya bin Khadar, Salim bin Jabir, Hasan bin Ghalib, Awadth bin Uwaid, and Abdalla Ma'azabi, Shaikhs of the Barhimi tribe aforesaid, have agreed upon and concluded the following articles:

ARTICLE 1.

The British Government, in compliance with the wish of the undersigned Shaikhs of the Barhimi tribe, hereby undertakes to extend to the Barhimi territory on the south coast of Arabia, and situated between the territories of the Akrabi and Atifi tribes, which territory is under their authority and jurisdiction, the gracious favour and protection of Her Majesty the Queen-Empress.

ARTICLE 2.

The aforesaid Shaikhs of the Barhimi tribe agree and promise on behalf of them—

¹¹ Aitchison, *op. cit.* Vol XI, pp. 57-58

¹² Boutros Ghali, *op cit.* p. 2

Not only were these "treaties" unjust, but they were also contrary to acceptable international practices for the following reasons:

1. The agreements were not concluded between two equals.
2. Britain exploited the difficulties of Yemen with the Turks and imposed these "treaties".
3. The chieftains were not sovereign rulers, but were local officials of the Imam. In spite of the sovereignty of Yemen, which was recognized by Britain before the close of the Eighteenth Century,¹⁴ the Imam was not consulted nor did he give his approval to any of these engagements.

—selves, their relations, heirs and successors and the whole tribe, to refrain from entering into any correspondence, agreement, or treaty with any foreign nation or power, except with the knowledge and sanction of the British Government; and further promise to give immediate notice to the Resident at Aden, or other British Officer, of the attempt by any other power to interfere with the Barhimi territory.

ARTICLE 3.

The aforesaid Shaikhs of the Barhimi tribe hereby bind themselves, their relations, heirs and successors, and the whole tribe for ever, that they will not cede, sell, mortgage, lease, hire or give, or otherwise dispose of, the Barhimi territory, or any part of the same, at any time, to any power, other than the British Government.

ARTICLE 4.

The above Treaty shall have effect from this date. In witness whereof the undersigned have affixed their signatures and seals at Aden this twenty-first day of September one thousand eight hundred and eighty-nine.

ADEN;

The 21st September 1889.

Witness:

E. V. STACE, Lieutenant-Colonel

First Assistant Political Resident.

A. G. F. HOGG, Brigadier-General
Political Resident, Aden

ALI BIN AHMED AM-TOMMI
KHALAF BIN TARAK
AWADTH BIN MOHAMMED
AHMED DAKAN
AWADTH BIN HASAN
HADI BIN HAIDARA
ALI BIN MASHKUL
AWADTH BIN SALIM
YAHYA BIN KHADAR
SALIM BIN JABIR
HASAN BIN GHALIB
AWADTH BIN UWAIID
ABDALLA MA' AZABI.

Witness:

A. K. S. JAFFER,

Active Native Assistant Resident

LANSDOWNE,

Viceroy and Governor-General of India.

¹⁴ Aitchison stated that "in 1799 when the British Government took measures to oppose the expected invasion of India by the French and to revive the lost trade of the Red Sea, Dr. Pringle was deputed to Sana'a with presents from the Governor General (Of India), and obtained from the Imam, Ali Mansur, orders to the Governors of Mocha, Hodeidah and Loheiyva to give every facility to trade. Two years afterwards an effort was made by Sir Home Popham, Ambassador to the States of Arabia, to negotiate a commercial treaty with Sana'a." Negotiations were, however, not successful and the treaty was only signed on January 15, 1821 after the "fort Mocha (had been) taken" by the British. Ibid p. 37. For the text of the "agreement" see p. 171.

4. The perpetuity of these agreements is contrary to the basic principles of ordinary contracts, not to mention international agreements.
5. The agreements were concluded in an atmosphere of coercion and bribes; persuasion and intimidation and pressure upon the chieftains were used.
6. Although Britain, in concluding these "treaties", claimed that the chieftains were sovereign rulers, it denied them the right to enter into any correspondence or relations with any other power as well as the right to dispose of their properties to any other power.
7. The British protection extended to the chieftains was not needed since there was no imminent danger against these tribes, except on the part of Britain herself. It should be recalled that the Ottoman Turks and Britain had at this time common interests and were on good terms.

IV. BRITISH-TURKISH COLLUSION

In 1628 as already stated the Turkish domination over Yemen had been completely eliminated. For about two centuries Yemen was independent and not included in the Ottoman Empire. Nevertheless, the Turkish began to infiltrate into Yemen again during the Nineteenth Century, particularly in the 1830's. The Turks concentrated their attention on the Northern sea coast. This Turkish penetration was, however, checked for two decades by various Imams. It was only in 1849 that Turkey was able to occupy the coastal northern central plains.

The Turkish occupation was not without opposition and resistance. When the tribe of Bani Aziz revolted in 1867, Turkey dispatched a strong force of 15,000, captured Sana'a in 1872, and pushed Southward until the Turks came in contact with the British-controlled territories of Southern Yemen.

From that time until the signing of the *Mudros Armistice* in November, 1918, Yemen was in a difficult and perplexing situation, with the British occupying the South, the South-Western and most of the Eastern coastal region, while the Turks maintained their control over the coastal region to the North.

During the same period Britain and Turkey colluded to divide their spoils and define their spheres of influence in Yemen. This Anglo-Turkish collusion was a result of the prevailing state of power politics. It was an attempt to maintain a balance of power amongst the big powers. In order "to safeguard the position of England in the Mediterranean and her communications with India, and to provide her with a convenient defence against Russian and French ambitions,"¹⁵ Britain sustained the doctrine of the "independence and integrity" of the Ottoman Empire. Attention should be paid to the fact that the opening of the Suez Canal in 1869 magnified the strategic and economic significance of the whole region.

A mixed Anglo-Turkish Commission was set up in January 1903 to demarcate the lines between the Turkish-held territory of Yemen and those under British occupation.

Between January 1903 and May 1905 the frontier line was drawn from Perim, a point at the extreme Southwest corner of the Arabian Peninsula, to a point as far Northeast as the Bana river, leaving the town of Dhala on the British side and Qa'taba on the Turkish side of

the line. Beyond the Bana, the line was not delimited. "Thus, in theory, Southern Arabia was divided into spheres of Ottoman and British influence; in fact, neither had much control beyond the garrison posts and the tribes under their immediate control. In 1914 these agreements were combined in the Anglo-Turkish Convention."¹⁶

The Yemeni reaction to the creation of spheres of influence in their country was immediate and vehement. In 1904, the late Imam Yahya (father of the present Imam) succeeded to the throne; supported by all the tribes in Yemen, the Imam marked the beginning of his reign with an all-over revolt against the Turks. This revolt was so forceful and drastic that all Turkish garrisons were subdued and surrendered. The Imam requested that Sana'a be evacuated and all Turkish troops be disarmed. The Turks had no other alternative at this time but to accede to the Imam's demand.

Unfortunately, this Yemeni victory was short-lived. The Turks, using the familiar colonialist tactics of dividing the tribes through creating a religious difference,¹⁷ bribing the leaders, and giving promises, gained time to upset Imam Yahya's plans of completely unseating the Turkish rule. Meanwhile, the Turks reinforced their battalions and attacked the forces of the Imam, who was compelled to retreat to the high plateaus. The Imam, however, had two advantages on his side:

- a. Certain portions of the Turkish forces started a mutiny and either deserted to the Imam's forces, or else they were relieved.
- b. Italy fomented a revolt by the Idrisi in Asir (North of Yemen) and contacted the Imam to rise again and oppose the Turks. The Imam refused.

Faced with this state of affairs, the Turks were obliged to come to an agreement with the Imam. This resulted in certain concessions embodied in the Treaty of Du'an of 1911, which was ratified by the Turkish Porte (The Sultan) in 1913.

This treaty seemed the lesser of two evils under the prevailing circumstances, when the Imam was struggling against two major powers, Turkey and Britain. The latter already had implanted its colonialist roots in Southern Yemen and showed no intention of modifying its stand.

¹⁶ M. V. Seton-Williams, *Britain and the Arab States*, (Huzac and Company, London, 1948) p. 196

¹⁷ The Turks were of the Sunni Sect of Islam, some of the Yemeni tribes were of Shafite, an offshoot of the Sunni Sect. The majority of the Yemenis were Ziadite, a moderate element of the Shi'ite. The Turks exaggerated and in many instances exploited this to create political and social hardships.

¹⁵ Elie Kedouri: *England and the Middle East* (Bowes and Bowes, London 1956) p. 10

Turkey, on the other hand, mindful of British and Italian ambitions in the region as well as Yemeni resistance to its tutelage, granted the Imam an autonomous status in the treaty, with the expectation that it could rally the forces of Yemen to protect its interests and strengthen its position in the world conflagration that was then expected.

The highlights of the Treaty of Du'an are that "although the treaty recognized the Imam as vassal of the Caliph (Turkish), his position as spiritual and temporal head of his Zaidite adherents was established *de jure* (Article 1). Henceforth, it was to be the Imam who named all Zaidi governors and the heads of tribunals. Article IX even gave him a free hand on all matters relating to endowed property and inheritance.

"Articles IV, VII and VIII limited the powers of the governor (i. e. the Turkish Governor) to the execution of decisions of the tribunals in regions inhabited by partisans of the Imam, but he had more freedom of action in districts primarily Sunnite. Finally, the treaty granted a general amnesty, and exempted from taxes, for a period of ten years, certain regions impoverished as a result of the war."¹⁸

As to the Anglo-Turkish Convention, which was signed in London on March 9, 1914, as a result of the work done by the Turkish-British Commission to demarcate the lines between the British occupied Zone of Yemen and that occupied by Turkey, it must be remembered that this convention was signed by the two foreign powers during their military occupation of parts of Yemen. These two powers had no sovereign rights over Yemen. Moreover, the demarcation lines were military marks to assign the spoils of two potential belligerents rather than "international boundaries." The Convention of 1914 was, in fact, an expediency measure that preceded the first World War.

¹⁸ Farouqy, *op. cit.* pp. 55-56

V. WORLD WAR I AND ITS AFTERMATH

At the beginning of World hostilities in 1914, some 14,000 Turkish soldiers were already in Yemen. They moved at once southward in action against the British in the area now occupied by Britain and known as "Aden Protectorate". The tribes living in the area—especially the Haushabi, the Subeihi, the Fadhli and the Yafai—either joined the Turkish forces or else helped or acquiesced in the Turkish incursion.

This attitude of the tribes is self-explanatory. It is justified because of the strong Islamic bonds that tied, at that time, the Arabian Peninsula with the Turks. There was also the long record of the long burdensome British domination which had left the tribes with no other option for self-assertion.

During the years of the First World War, the combatting forces of Britain and Turkey reached a stalemate after the Turkish forces had already occupied most of the area and were in the vicinity of the Aden port.

In 1916, Britain contacted the Imam, urging revolt against the Turks. Colonel Harold Jacob—a previous British Agent in Aden—gave the following first-hand account: "Aden wrote many letters in the Great War to the Imam, who, although anxious to expel the Turks . . . would not, as an honourable man, break the Turkish pact."¹⁹

When the *Mudros Armistice* was signed in November 1918, some Turkish forces were still in Lahej, and on the Western coast of Yemen. It is important to notice here that, since it was not a party to the Armistice, nor did it recognize the Anglo-Turkish Convention of 1914, Yemen also did not recognize the *Mudros Armistice* of 1918 between the vanquished Ottoman Empire and victorious Britain.

In concurrence with Article 16 of the *Mudros Armistice*, Britain pursued its antagonistic policy and actions against Yemen; in return, and in defence of its integrity, Yemen reacted similarly. According to the terms of the Armistice, Britain sent its troops into Yemen to help and supervise the evacuation of the wartime Turkish garrison. Since these British forces did not hold more than a few points on the coast of Yemen, after accomplishing their task they handed the port of Loheia over to their allies—namely the Idrisi tribe. At the same time, they retained the port of Hodeida.

¹⁹ Harold Jacob, *The Kingdom of the Yemen; Its Place in the Community of Nations*, p. 131 Quoted by Boutros Chali *op. cit.* p. 10

These British actions irked Imam Yahya, who had always maintained historical title, not only to the Zaidi-inhabited highlands, but to the whole of Yemen. Therefore, by the end of 1919, he invaded Dhala and the other few frontier districts occupied by British troops.²⁰ In so doing, the Imam aimed at compelling the British to evacuate Hodeida. In fact, Britain evacuated that port in January 1921, but it was turned over to the principality of Asir instead of giving it to Yemen. Thus Yemen found itself deprived of two valuable seaports.

The Idrisi, who were in possession of the coastal plain—known as Tihamah—for five years, were greatly weakened as a result of the rise of Ibn Saud in Nejd. Realizing this fact, Imam Yahya launched an attack against them in 1925. After a brief campaign, Yemen captured both Hodeida and Loheia.²¹ Thus, Yemen extended its sovereignty to the coastal lowlands, secured access to the Red Sea, and acquired control of the area between the Red Sea ports and its capital, Sana'a.

The international repercussions of this development were twofold: on the one hand, the hitherto independent Asir principality was partitioned between Yemen and the Hejaz. Asir's Idrisi rulers accepting Ibn Saud's sovereignty in October 1926; on the other hand, British-controlled Aden suffered economically because of the diversion of trade with Yemen's interior from Aden to Hodeida.²²

In addition, Italy had already secured control over Eritrea on the opposite side of the Red Sea and changing events coincidentally favoured her early ambitions in the region as a rival and competitor to Britain. Henceafter, and until the end of World War II, the big powers' policy in Yemen centered mainly around Britain and Italy. "While it was relatively easy for Britain to establish her supremacy over the small sheikhdoms and sultanates of the Eastern and Southern Coast of Arabia, it was more difficult to extend it to the inaccessible highland fastness of Yemen. Being unprepared to establish her control by outright conquests, as she had done in Aden in the Nineteenth Century, Britain had to rely on diplomacy."²³

VI. CLAYTON MISSION AND ITALY'S TREATY OF AMITY

Britain's reliance upon diplomacy was an outcome of the fact that this method served its interests best. Colonel Harold Jacob, a British Agent in Aden stressed this point when he argued that: "Our interests in the country can best be conserved by consolidating our position in Aden, and letting the interior develop on Arab lines. It is by trade that we can prosper. We are not getting our full measure of trade. Our goal should be production without possession, action without self-assertion, and development without domination. The day of our intervention is past. The policy of "divide and rule" has no meaning for us."²⁴

In the spring of 1926, Britain sent Sir Gilbert Clayton, her ambassador in Arabia, to Yemen for the purpose of concluding a treaty with the Yemeni Government. Meanwhile, the British Government advised the Imam to evacuate all the territory he had regained from the British themselves and the Turks. It should be noted here that this territory had already been in his possession for over six years, without any previous objection from Britain.²⁵

The Imam was seeking "from the British the cession of Dhala and other parts of the Aden Protectorate of which he was in *de facto* possession as a *quid pro quo* for the desired friendly agreement, and it would have perhaps been politic on the part of the British Government to have given up an area which was, and is, of no practical value to it, in return for friendly relations which would have had some moral, if not material value."²⁶

However, because of the insistence of Britain on refusing recognition of Yemeni rights over some of the latter's own territory, Sir Gilbert Clayton's mission failed to achieve anything.

With the failure of the Clayton Mission to reach any amicable rapprochement with Yemen, it was left for the Imam to consolidate, internationally, his position by securing the recognition of other powers of the full independence and integrity of his country.

Italy, on the other hand, reaped the fruits of the British failure and took up where Britain had left. The Italian Government sent a delegation to Yemen under the chairmanship of Commandatore Gasparini, the Italian Governor of Eritrea, and by September 2, 1926, a

²⁴ Harold Jacob, *Kings of Arabia* (London 1923), p. 243

²⁵ Clayton stated later "Had he (The Imam) not been allowed to stay in Dhali since 1920?" Jacob *Ibid* p. 140

²⁶ H. J. B. Philby, *Arabia*, p. 334

"Treaty of Amity and Commerce" for a period of ten years was concluded between the two governments.

According to Article I of this treaty, Italy recognized "the full and absolute independence of Yemen" and pledged to abstain from all interference in Yemen that might be incompatible with its independence. Article II provided that "the two Governments undertake to facilitate commercial relations between their respective countries." In Article III, while the Government of Yemen declared its desire to import its needs of supplies and technical means from Italy, the Italian Government declared its readiness to assist in the economic development of Yemen under the most favourable conditions. The provisions of Articles II and III did "not limit the liberty of the two parties with regard to commerce and supplies."²⁷

The significance of this treaty is that "the full and absolute independence of Yemen" was recognized for the first time by a big power in the Twentieth Century. In addition, this recognition occurred while Yemen was in possession of the Southern provinces which it had regained in 1919. Therefore, it is correct to say, that Italy recognized the independence of Yemen and its territorial integrity as they were at the time of signing the treaty.

Britain was completely unhappy about these developments. As for the Imam, there can be little doubt that he would have preferred a satisfactory accommodation with Great Britain to his agreement with Italy.²⁸

Britain resorted, however, to the most striking feature of her foreign policy namely "gunboat diplomacy." Early in 1928 the British Royal Air Force extensively bombarded Yemeni towns and villages and inflicted severe casualties on the population. In order to avoid more destruction and loss of lives, the Imam sued for a truce and the British agreed to it, provided the Imam would evacuate all Yemeni provinces which he had regained and had in his possession since the end of 1919, in particular the town of Dhala. In other words, the British requested the Imam to withdraw to the old "frontier" delimited by the Anglo-Turkish Commission from 1903-1905 and embodied in the Anglo-Turkish Convention of 1914—a frontier which the Imam never recognized as binding on him. The Imam, as expected, refused to give up a part of his kingdom. Consequently the British bombarded once

more, and unmercifully, the town of Dhala and other towns and villages.

In order to prevent more bloodshed, and because of the superior might of Britain, the Imam withdrew his forces from his Yemeni southern provinces and sought to settle the dispute by peaceful means.

engaged in correspondence in order to settle their political dispute. It was not until June 1933 that any concrete conditions were offered by both parties for the conclusion of a treaty. The British Government offered the following provisions: 1. The evacuation by Yemen of "protectorate" territory. 2. The release of exiled and imprisoned Yemeni prisoners. 3. The removal of restrictions on trade between Yemen and Aden. This to be done by a committee set up by both parties. The Government of Yemen countered the British proposals by stipulating the following preconditions: 1. The withdrawal of the British forces from nine cantons and the formal recognition by the British of Yemen's sovereignty over Aden Settlement and the islands of Perim, Kuria Murai and Socatra. 2. The non-recognition by Yemen of all treaties and engagements imposed on the Yemeni cantons by the British and south Yemeni authorities, as well as the invalidity of agreements which Ottomans had concluded concerning Yemeni territory. 3. The resumption of the Imam's old established rights of appointing the Qadis (magistrates) and disposing of all matters in the whole Yemeni territories. On November 15, 1933, a British delegation under the chairmanship of Colonel Bernard Reilly, the Chief Commissioner of Aden, arrived in Yemen's capital, Sana'a, and a Treaty of Friendship and Mutual Cooperation was concluded between the two parties on February 11, 1934. It was ratified on September 4, 1934. This Treaty of Friendship was a result of the desire of the two contracting parties to enter into a "Treaty on a basis of friendship and cooperation for their mutual benefit." According to Article I of the treaty, Britain recognized the "complete and absolute independence

²⁷ For full text of this treaty see J. C. Hurewitz *Diplomacy in the Near and Middle East*, Vol. II (D. Van Nostrand Co., Inc., New Jersey 1956) p. 147.
²⁸ Philby, *op cit* pp. 334-335

VII. A PROVISIONAL NEW ERA

a. The Anglo-Yemeni Treaty of 1934.

After 1928, Yemen and Britain (through its Resident at Aden) engaged in correspondence in order to settle their political dispute. It was not until June 1933 that any concrete conditions were offered by both parties for the conclusion of a treaty. The British Government offered the following provisions:

1. The evacuation by Yemen of "Protectorate" territory.
2. The release of exiled and imprisoned tribesmen.
3. The removal of restrictions on trade between Yemen and Aden.²⁹

The Government of Yemen countered the British provisos by stipulating the following prerequisites:

1. The withdrawal of the British forces from nine cantons and the formal recognition by the British of Yemen's sovereignty over Aden Settlement and the islands of Perim, Kuria Mauria and Soqorta.
2. The non-recognition by Yemen of all treaties and engagements imposed on the Yemeni cantons by the British authorities, as well as the invalidity of agreements which Ottomans had concluded concerning Yemeni territory.
3. The resumption of the Imam's old established rights of appointing the *Qadis*, (magistrates) and disposing of all matters in the whole Yemeni territories.³⁰

On November 15, 1933, a British delegation under the chairmanship of Colonel Bernard Reilly, the Chief Commissioner of Aden, arrived in Yemen's capital, Sana'a, and a Treaty of Friendship and Mutual Cooperation was concluded between the two parties on February 11, 1934; it was ratified on September 4.

This Treaty of Friendship³¹ was a result of the desire of the two contracting parties to enter into a "Treaty on a basis of friendship and cooperation for their mutual benefit." According to Article I of the treaty, Britain recognized the "complete and absolute independence

of His Majesty the King of Yemen, the Imam, and his kingdom in all affairs of whatsoever kind."³²

While Article II expressed the desire of both parties to maintain "peace and friendship" and "good relations with each other in every respect," the most significant part of this treaty is Article III, which stipulates that: "The settlement of the question of the Southern frontier of Yemen is deferred pending the conclusion, in whatever way may be agreed upon by both High Contracting parties in a spirit of friendship and complete concord, free from any dispute or difference, of the negotiations which shall take place between them before the expiry of the period of the present treaty. Pending the conclusion of the negotiations referred to in the preceding paragraph, the High Contracting Parties agree to maintain the situation existing in regard to the frontier on the date of the signature of this treaty."

It is, therefore, clear that the treaty merely deferred the acute question of the frontier between Yemen and its southern provinces occupied by Britain until such time as the two parties should be prepared for a peaceful settlement. In the meantime, it maintained the *status quo*.

Article VII of this treaty stipulates, moreover, that "should doubt arise as to the interpretation of any of these Articles, both the High Contracting Parties shall rely on the Arabic text." In that text, reference is made to "*hudud*," i.e. frontiers, meaning not only those lines which artificially separate Yemen from the British-controlled zone, but also those between the different regions inside the British-controlled occupied Yemeni territory itself. In other words, the *status quo* was also to be maintained within this zone.³³ Therefore, it is quite obvious that Yemen never renounced its territorial claims.

Finally, Articles VI and VII stated in effect that this treaty was the basis for all future agreements between the two parties and that the Treaty would come into force on the date of its ratification, extending for a period of forty years.

On the whole, the Treaty of 1934 froze the British-Yemeni dispute and opened new avenues for reconciliation through peaceful negotiations for the achievement of a just and amicable settlement of the issues involved. It should be borne in mind, however, that at the time of

²⁹ Seton-Williams, *op cit.* p. 198

³⁰ Boutros Ghali *op. cit.* p. 13, and Arab States Delegations Office, *The British Yemeni Dispute* (New York 1957), p. 11

³¹ For full text of this treaty, consult, *League of Nations Treaty Series*, Vol. CLVII, 1935 Nos. 3601-3618 pp. 64-66.

³² This was the first time since 1821 that Britain ever recognized the sovereignty of the Imam and thus of Yemen as an independent entity.

³³ The British ignored this vivid stipulation and later in 1937 established both the "Aden Colony and Protectorate" and since 1954 began maneuvering for the establishment of a "Federation" in the Aden Protectorate in violation of the Treaty of 1934.

signing the above treaty, Fascist Italy had already conquered Ethiopia, Eritrea and the Somaliland, and from earlier times Italy "viewed Yemen as an area for commercial and political expansion. By securing a foothold in Yemen she might find herself sitting astride the southern reaches of the Red Sea, thus threatening the British life line."³⁴

Since British-Italian relations during the 1930's were, to say the least, not of good accord, it may be safely inferred that the Yemeni-British Treaty of 1934 was an accommodation to the Italian threat on the part of Britain. Thus, Britain aimed that the provisions of this treaty would function for its own convenience to safeguard its own interests in the region, which are not based on ethical principles and justice, but rather on political expediency and the use of force.

During the Ethiopian War "Imam Yahya refused to permit Italy to recruit workers for the construction of military roads Yemen retained an attitude of absolute neutrality."³⁵

b. Anglo-Italo-Yemeni Relations Prior to World War II

During 1937 clashes between the British forces in Aden and Yemeni forces ensued once more near the contested frontier. The British, as usual, resorted to bombardment and shelling of Yemeni towns and villages, and annexed the territory of Shabwa beyond the Bana River, contrary to the provisions of the Treaty of 1934.

Early in February 1938, a British mission was despatched, to Sana'a in order to iron out the new difficulties. Britain resorted to this diplomatic action after she already had occupied Shabwa; she expected the Imam to accept the *de-facto* situation, but he resolutely rejected it. Although the mission had to leave without achieving its objectives, the British persisted in exploring a way out of the dilemma, particularly since they felt that Italy was standing by to exploit any such difficulty. Britain found a way out in rapprochement with Italy.

On December 31, 1936, Britain and Italy had temporarily reached an initial agreement concerning their interests in the Middle East, and agreed to retain the *status quo* in the Eastern Mediterranean.³⁶ In addition, a declaration on the same subject signed in Rome on January 2, 1937, paved the way to the conclusion of an "Agreement between the United Kingdom and Italy"³⁷ on April 16, 1938.

³⁴ Lenczowski, *op. cit.* p. 456.

³⁵ Farouhy, *op. cit.* pp. 74-75

³⁶ For the Text of the Agreement see British Cmd. 5348

³⁷ For the text of the Agreement see British Cmd. 5726

In Annex III of this Agreement, entitled "Anglo-Italian Agreement Regarding Certain Areas in the Middle East," the two powers pledged to refrain from any action which would impair the integrity and independence of Yemen, and from seeking privileged political position in Yemeni territories.

The importance of this agreement can hardly be ignored since it established the following:

1. Kept Yemen far from British and Italian interference and prohibited other powers from having any privileged political position in Yemen.³⁸
2. Reiterated the recognition of both powers of the complete independence of Yemen.
3. Britain pledged its intention to maintain the autonomy of the Arab rulers under its protection. Nevertheless it had strengthened its hands in the British occupied Yemeni territories, i.e. the "Aden Colony and Protectorates".
4. Britain pledged not to infringe in any way on the independence of Yemen in regard to the zone to the East and South of the country.
5. Britain promised not to undertake any military preparations or works in the area under her occupation except for purely defensive purposes.

It remains, however, to be seen whether Britain actually lived up to its pledges, or whether the Agreement was only a pre-war appeasement instrument and/or a policy of expediency, to soften the Italian threat to British interests in the area and the route to India.

³⁸ The reference to Powers here means Germany, Russia and Japan who for some time had sought special interests in the area.

VIII. THE ESTABLISHMENT OF THE ADEN COLONY AND PROTECTORATE

a. The Aden Colony

As soon as Britain settled, though temporarily, her differences with Italy in the area East of the Red Sea, she began to establish herself firmly in Southern Yemen. Since 1839, Aden Settlement had been annexed as a dependency of the Bombay Residency and it remained so up until 1932, when it was established as a Chief Commissionership—a province under the direct control of British India. When the Government of India was re-organized in 1935, Article 228 of the Act of the Government of India separated Aden from India and envisaged the establishment of the "Crown Colony of Aden" under the direct operation of the Colonial Office in London.

The Aden Colony Order of September 28, 1936,³⁹ introduced a so-called "constitution" of Aden. It established the framework for the administration of Aden following the usual colonial pattern whereby the British Parliament empowers the Crown under the British Settlement Act of 1887 to legislate for the colonies through the device of Order in Council.

According to the Aden Colony Order of 1936 as amended, the Governor—who, as all other British colonial governors, has the title Commander-in-Chief—is assisted by an Executive and a Legislative Council.

The Executive Council is composed of the heads of major governmental departments who are all British. The Governor is the Chairman of this Council, which functions as a purely advisory body.

The Legislative Council is composed of sixteen members: four of them are *ex officio*, four are government officials, i.e. persons employed by the Crown; and the rest are non-officials, i.e. residents of Aden but not employed by the Crown. The members of the Council are appointed by the Governor. Although the Council has some legislative power, "all measures passed by the Legislative Council are subject to an absolute veto of the Governor."⁴⁰

As for the administrative branch of the Colony, it was correctly

stated that "the administrative direction of the affairs of the colony is in the hands of a Civil Secretary responsible to the Governor."⁴¹

The publicly stated desire of the British Government is that the native population will ultimately be able to govern themselves. However the basic assumption of self government is false because, in the words of an eminent English scholar "Crown Colony government is essentially a perpetuation of subordinate status rather than an introduction to self-government."⁴²

Thus it can be concluded that although Britain occupied and operated this part of Yemen for more than a century, the people of this area were never assisted to govern themselves. Moreover, there are no concrete indications that the British authorities will allow them to do so in any foreseeable future.

b. The Aden Protectorate

The British hold on the British occupied Yemeni territories called the "Aden Protectorate" rests solely on the following premises:

1. "Treaties," "Agreements" or "Bonds" concluded between the British authorities in Aden and certain chieftains of the tribes during the Nineteenth Century and the first two decades of the Twentieth.
2. Article III of the Anglo-Yemeni Treaty of 1934.
3. Article VI of the Anglo-Italian Agreement of 1938.

The first British allegation is completely unfounded because, as has been demonstrated already at some length, these engagements are void from both a legal and a moral point of view. They were not sanctioned by the Imam, and they were imposed on the chieftains either by intimidation or else by the promise of material benefits (the stipends).

The second British allegation is equally unrealistic. Article III of the 1934 Treaty maintained the *status quo* as regards the old frontiers in both Aden and its hinterland "pending the conclusion of negotiations." Thus the creation of political entities in Aden and its hinterland was a violation of this very article. It should be recalled that when Britain annexed the territory of Shabwa in 1937, the Imam lost no time of launching a protest to the British Government.

³⁹ See: Her Majesty's Stationery Office, *The Statutory Rules and Orders and Statutory Instruments, Revised to December 31, 1948* (London)

⁴⁰ Herbert J. Leibesny, "Administration and Legal Development in Arabia," *Middle East Journal*, (Autumn, 1955,) p. 386.

⁴¹ Herbert J. Leibesny, "International Relations of Arabia," *Middle East Journal*, (April, 1947) p. 151

⁴² E. W. Evans, *The British Yoke, Reflections on the Colonial Empire* (William Hodge & Co. London 1949) p. 109

As for the third British allegation noted above, it is obvious that an agreement concluded between Italy and Britain can have no binding effect whatsoever on Yemen.

Not content with the above legal fictions, the British later imposed another set of "agreements" on the chieftains of the Aden hinterland. The new "agreements" did not contradict or abrogate old ones but rather supplemented them, and extended their contents to cover local rulers who had not signed any previous "treaties."

This new type of so called "Advisory Treaty" was concluded in 1937 with the Qu'aiti and in 1939 with the Kathiri, both in the Eastern Protectorate; with five Western Protectorate chiefs during 1944-1945; with the Wahidi of Balhaf in the Eastern Protectorate in 1949; and with another three tribes in the Western Protectorate in 1952. This type of treaty stipulated the following:

- a. The Chief solemnly undertakes, on behalf of himself, his heirs and successors, to observe and respect all treaties, agreements and engagements into which he or his predecessors entered with the British Government or their representatives.
- b. The British Government undertakes, similarly, to observe the treaties, agreements and engagements into which it or its representatives entered with said Chief or his predecessors, and assist him, his heirs and successors with advice relating to the welfare and progress of his territory.
- c. The Chief promises on behalf of himself, his heirs and successors, that no part of his territory shall be ceded, sold, mortgaged, leased, hired or disposed of at any time or in any way to any State or to subject of any State, in accordance with a land policy to be drawn up after consultation with the Governor of Aden.
- d. The Chief agrees and undertakes on his own behalf, as well as that of his heirs and successors, to refrain from entering into any political correspondence, agreement, engagement, or treaty with any foreign state or government except with the knowledge and approval of the British Government; and promises further to give immediate notice to the Governor of Aden or his deputy of any attempt by another state to interfere with his territories.
- e. The Chief undertakes on his behalf, as well as of that of

his heirs and successors, to cooperate fully and at all times, with the Governor of Aden and to accept his advice on all questions relating to the welfare and progress of his territory, and that nothing in this article could affect that Chief's right to address the British Secretary of State for Colonial Affairs and to represent matters to him, should the Chief so desire.⁴³

The provisions of these treaties prove that: "The administrative machinery set up under these agreements has thus served to increase Great Britain's control of the internal as well as the external affairs of the two most important states in the Hadramaut. Even if the actual administrative processes should be handled by natives to a larger extent than has been the case so far, British control would not be diminished, for the Resident Advisor can always prevent the conduct of affairs along lines of which the British Government does not approve."⁴⁴

Through the Order in Council of March 18, 1937, the hinterland of Aden was organized, along Colonial lines, into a "Protectorate." This order was based on the British Foreign Jurisdiction Act of August 4, 1790, which gave the Crown the right to exercise jurisdiction in a foreign country acquired by the British through conquest or cessation. However, in the absence of a formal government to negotiate with by treaty or any other legitimate means—this being the case with the chieftains of the British occupied territories in Yemen—the jurisdiction of the Crown is still the same. The conclusion is self-explanatory. The Crown unilaterally, in accordance with the Foreign Jurisdiction Act of 1790, has powers of extra-territorial activities which are not consistent with international usage or convention.

The difference between the legal status of the Aden Colony and Aden Protectorate should not be confused. While the Colony is regarded by Britain as a possession of the Crown, the Protectorate is not, although it is administered along colonial lines. The outcome, therefore, is a new formula that might be called "Colonial Protectorate," a strange device unrecognized so far by international law. This unusual formula results in the following situation "The Governor of the Colony is at the same time Governor of the Protectorate and the functions exercised in the Colony by the Civil Secretary are here (in the Protectorate) exercised by a Political Secretary. The Powers

⁴³ Consult *Fact Sheets on the U. K. Dependencies* No. 3210, British Central Office of Information, (London. October 1956) p. 4

⁴⁴ Liebesny, *op cit.*, p. 155

of the Executive and Legislative Councils (of the Colony) do not extend to the Protectorate."⁴⁵

In other words, the system in the Protectorate depends upon the fact that the British "refrained from establishing by general ordinance the rights and duties of native authorities and native courts, and from giving the Governor the right to constitute and abolish them. Constitutionally speaking, it would thus appear that the internal sovereign rights left to the Protectorate rulers are not regarded as derived from British authority but as inherent in the ruling Chief."⁴⁶

Accordingly, although sovereignty in theory rests with the Chief, yet the wide powers given to the Governor by the "Advisory Treaties" prevent the Chief from actually exercising his "sovereignty." This contradiction in law itself and in its implementation leads to one inescapable conclusion: The illegality of the "Advisory Treaties."

For political, administrative, and social purposes, the Protectorate is divided into two parts: The Western Protectorate, composed of eighteen units, and the Eastern Protectorate, including five units. Each one of the twenty-three units has its own Arab Chief and an Official called "British Resident Adviser." Several of these units have their own councils, although the functions of the majority of these councils are rather nominal. Most of the actual power lies, in fact, in the hands of the British Adviser.

The most important unit in the Western protectorate is the Sultanate of Lahej, which borders the Colony of Aden. It is the only entity that has possessed, since 1951, a written constitution which provides for two councils: A Legislative Council composed of twenty-one appointed members and an Executive Council called the Council of Directors. Although the Sultan of Lahej constitutionally has domestic powers, these powers are—practically speaking—curtailed and obstructed by the British Adviser to meet British objectives.

In the Eastern Protectorate "not all of the Sultanates and Sheikdoms possess as yet more than the very rudiments of administration."⁴⁷ The two entities of the Qu'aiti and the Kathiri of Say'un are better administered. As expected, Britain has imposed Advisory Treaties upon them. They both have councils, but "Legislation in the Qu'aiti State is through decree . . . It would appear that many of the more complex decrees, at least, are drafted by the British Advisory Staff and then rendered into Arabic . . . The Kathiri State is in many ways administratively a microcosm to the Qu'aiti macrocosm."⁴⁸

⁴⁵ Ibid, p. 152

⁴⁶ Ibid, p. 155

⁴⁷ Liebesny, "The Administration and Legal Development in Arabia" p. 396

⁴⁸ Ibid, pp. 394-395

IX. WHAT OF THE PRESENT?

a. The Agreement of 1951

At the outburst of World War II, Yemen remained aloof from either of the belligerents. This position was largely due to the fact that both Britain and Italy—as two World Powers—had attempted earlier, in spite of the rejection of Yemen, to establish spheres of influence in Yemen. However, during February 1943, Yemen severed her diplomatic relations with the Axis and interned their subjects.

On June 11, 1946, after the cessation of hostilities, the Government of Yemen presented her dispute with Britain to the Council of the League of Arab States. The Council supported Yemen's rights and her legitimate historical claims. The Council recommended direct negotiations between Yemen and Britain to settle the dispute amicably in accordance with the terms of the Anglo-Yemeni Treaty of 1934. But this appeal of the Arab League was of no avail. Britain insisted upon her policy of using force to suppress the aspirations of the tribes in the British occupied Yemeni territories. Sultan Haider of the Amiri State was deposed; the Shaibi territory was occupied by British forces and its Sheikh was compelled to take refuge in free Yemen. Several other popular rebellions ensued in other territories of the "Protectorate." The sole British remedy to this was: air actions and punitive expeditions.

This state of affairs prevailed from 1947 until the first half of 1950, and it was proved beyond the shadow of doubt that the Government of Yemen did not motivate these local uprisings. Yet "it is incontestable that the political and religious attraction of the Imam was more powerful than British gold and British planes."⁴⁹

Beginning with August 29, 1950 and continuing through October 12 of the same year, British and Yemeni representatives negotiated a *modus vivendi* agreement,⁵⁰ which resulted in the following important features included in an agreement signed on January 20, 1951:

1. Establishment of normal diplomatic representation between the two governments. (Art. I)
2. The creation of a joint commission to demarcate, in all disputed areas, the position of each party as it existed

⁴⁹ Boutros-Ghali, op. cit p. 16

⁵⁰ See British, Cmd. 8576 and 8600, Exchange of Notes Regarding Relations Between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Yemen, January 20, 1951.

at the time of signing the 1934 Treaty and at the time of signing this agreement on January 20, 1951. In case of disagreement, the two governments may appoint commissioners to arrive at a unanimous recommendation. (Articles 3 & 4)

3. Both governments agreed not to alter the *status quo* existing in the disputed areas at the time of signing this Agreement pending the conclusion of the work of the commission. (Art.6)
4. The acceptance of any recommendation of the commission is only provisional pending the final settlement of the whole dispute (Art.7)

Unfortunately this agreement was not implemented in practice, for in April 1952, the Aden British forces occupied Lahej under the pretext that Sultan Fadhl Abdel Karim had refused to go to Aden, as requested by the Aden authorities, to testify about the death of two of his cousins. This case was a clearly domestic matter which did not fall in any manner under the alleged jurisdiction of the Governor of Aden. The Constitution of Lahej of 1951 empowered the Sultan to assume all internal responsibilities. However the Sultan was deposed, and his younger brother, Ali Abdel Karim, accepted the Sultanate as the lesser of two evils, since the British could always find another protege. The new Sultan, against his will, signed an "Advisory Treaty" with the British in 1952, the first to be signed by him or his predecessors.

The actual reasons behind the non-fulfillment by the British of the Agreement of 1951 were unmistakably exposed by Professor Lenczowski in the following terms: "Despite this treaty, Yemeni-British relations suffered a marked deterioration almost immediately afterward. The main cause was the unsettled territorial question and, in particular the widely divergent attitudes of the parties toward the area situated between Yemen proper and Aden Colony, i. e. The Aden Protectorate. Composed of a number of petty principalities, this large stretch of land equivalent in size to England, Scotland, Wales and Northern Ireland, had at one time or another belonged to the dominion of the Zaidi Imams of Sana'a who were never reconciled to its subjection to British rule. Moreover, even as late as 1934 — the time of the first Anglo-Yemeni Treaty — British interests in this whole area were represented by no more than two officials: a political secretary and a political officer, whose main function, perforce, was to maintain liaison with Protectorate chiefs rather than to conduct a regular administration. As

a result, the chiefs were largely left to their own devices and the looseness of British control tended to emphasize their almost independent status. So long as this was the case Yemen tolerated if she did not fully accept the *status quo*.

"But Britain's restrained policy underwent considerable change, especially after World War II. In contrast to other areas in her Empire where she gradually reduced her responsibilities, in the Aden Protectorate Britain began to assert her dominance."⁵¹

The British lust for domination created a tense situation that delayed the finding of an equitable solution of the whole British-Yemenite dispute. In addition Britain violated the Treaty of 1934 and the Agreement of 1951. In her attempts to assert her dominance in the area, Britain depended upon two methods. In the first place, she increased "her administrative personnel of 3,000 per cent as compared to the number in 1934 . . . In the second place, in the early Nineteen Fifties the British launched a project to unite the sultans, emirs and sheikhs of the Protectorate in a federation, More precisely, the scheme was expected to compromise eighteen principalities of the West Aden Protectorate. Its principal objective, politically, would be to consolidate the British position in the area."⁵²

The British action in Aden area is only one phase of an all-embracing foreign policy for the area in the post World War II era — a policy which could be outlined in the following terms:

1. The loss of important major portions of her influence in South-east Asia, especially in India, and the rising tide of nationalism in the countries of certain members of the Commonwealth, put Britain in a different mood. A "new outlook" had to be adopted to cope with the changing international scene if Britain was to safeguard her national interests.

2. Thus, the creation on a new basis of the "Third Empire" was felt inevitable. Since the surge of nationalism in Africa and Southern and Eastern Arabia — compared with other areas — was kept at a minimum, Britain felt that the concentration of her efforts in this area might be more realistic than elsewhere.

3. To defend the "Third Empire" and at the same time to prepare for attack in case of any imminent danger from the North the British maintained and expanded their military bases in some countries in Africa and the Southern and Eastern Arabian peninsula

⁵¹ Lenczowski, op. cit. p. 461

⁵² Ibid.

in a scattered manner so that a total loss of these bases might not be possible.

To strengthen such strategy — especially as a result of the evacuation of the Suez base as well as bases in Iraq, Jordan and the Sudan—the new British plans centered political and strategic activities in the Southern and Eastern Arabian Peninsula to safeguard the area of the Red Sea as compensation for the loss of other “strongholds.”

4. The British also expanded their exploitation of the natural resources of the Southern and Eastern Arabian peninsula — especially oil in Kuwait, Qatar, Bahrain, Buraimi, Muscat, Oman and Shabwa in the British occupied Yemeni territories, i. e. “Aden Protectorate.” A huge oil refinery was established in Little Aden to compensate for the loss of the Abadan oil refinery in Iran.

5. The new British policy also included the early opening of new markets in this area, to compensate for the loss of some British markets in other parts of the region as well as elsewhere in the world. The competitors in these markets include the United States, Japan, West Germany and India.

b. The Proposed Federation: Unite and Rule

Turning to the specific policy in Aden, we find that the “new” proposal by the British Government in 1954 for bringing together the states, sultanates and sheikhdoms of the Aden Western Protectorate in the British occupied territories of Yemen in a federation is not in substance an original innovation.

As early as 1881, in fact British authorities had forced an “agreement” on the Abdali and Subeihi tribes by which the latter was placed under the control of the former. This system proved to be inoperative. In 1905 another scheme of wider nature was suggested: A confederation of Dhala in the North and Lahej in the South as a first step in bringing together other Sultanates and Sheikhdoms also proved to be a failure. A similar project was unsuccessfully attempted in 1931.

In 1954, the British authorities resorted once more to their old scheme, but this time with vigor, determination and new tactics. Addressing the rulers of the Western Protectorate on January 7, 1954, Sir Tom Hickinbotham, the Governor of Aden, told his audience: “It is essential that you unite, for without the strength gained from unity you must fail and cannot take your place in this modern world. We have come far along the road that leads to prosperity and happiness

for your people though we still have far to go. We have, however, now reached a point from where it will be very hard to go on unless we make a constitutional change, for without such a change we shall not have the strength.”⁵³

These, indeed, at least on their face value, are good words, but whether the British Governor meant them—in the light of the broad British policies for the area outlined earlier — is another matter. One can better comprehend the meaning and goals of the new proposals by examining their major features.

The states intended to be included in the new association were those which had already concluded “Advisory Treaties” with Britain:

- (1) Beihan - 1944, (2) Lower Aulaqui - 1944, (3) Fadhli - 1944, (4) Amiri - 1944, (5) Lower Yafai - 1946, (6) Upper Aulaqui Sultanate - 1952, (7) Upper Aulaqui Sheikhdom - 1952, (8) Audhali - 1952, (9) Abdali and Subeihi - 1952.

Nine other Sheikhdoms and Sultanates which had not signed such Advisory Treaties with Britain were excluded from the proposed scheme. The reason for this exclusion is obvious. British authorities planned to begin controlling collectively the largest and most important states, thus making adhesion of the rest a matter of time.

The proposed project suggested three Councils:

(1) Council of Chiefs — to be composed of all Chiefs participating in the Federation. The President of this Council is the Governor of Aden, who would be entitled High Commissioner. The Advisor of the Council, again a Britisher, is also the General Secretary of the proposed Federal Administration. The proceedings of the Council would be secret.

The Council of Chiefs is to formulate general policy for the proposed Federation with the exception of foreign policy, defense, and internal security, which would remain the sole responsibility of the Governor of the Colony of Aden who becomes, as noted above, the High Commissioner.

(2) Legislative Council — to be composed of eleven official members from the Administration and two Arab officials to be chosen from the Council of Chiefs. Each participating state can designate a person to be a member of this Council. The main responsibility of the Legislative Council is to study matters referred to it by the Executive

⁵³ Central Office of Information, London, *Political and Economic Progress in Aden Protectorate*, No. R 3328, May 1956, P. I.

Council. The High Commissioner is empowered to legislate by decrees.

(3) Executive Council — to be composed of a Counsellor-General as President (the British Agent is the person to hold this office), and the following members: a Financial Advisor (the former Financial Secretary) and a Legal Advisor (the former Attorney General), both British, and two members from both the Council of Chiefs and the Legislative Council, to be appointed for a period of two years by the High Commissioner.

The main duty of the Executive Council is to execute decisions made by the other two bodies and to supervise current matters.⁵⁴

Therefore, it can easily be seen that the most important posts in the whole system are handled by two key figures: first the British Governor of the Colony of Aden, who becomes, under the proposed project, the High Commissioner of the Federation, and President of Council of Chiefs; and secondly, the British Agent, who becomes Advisor of the Council of Chief, Secretary-General of the Federation and President of the Executive Council.

Thus, under this system, Britain would have completed a direct control over the Protectorate and Colony of Aden, which would enable her to implement her policies in the region as outlined above.

The proposal for this type of Federation was naturally rejected by many of the rulers of the Protectorate — especially by the Sultan of Lahej, Ali Abdel Karim who vehemently rejected the new British designs and consequently was deposed after Lehej had been occupied by British forces. Also the President of the Lehej Legislative Council and the Director of Education were forced to resign their posts.

The New York Times reported on June 23, 1958 that: "Sayed Mohammed Ali Al-Jifri, President of the Lahej State Legislative Council, who escaped to Yemen in April when British troops entered Lahej to arrest him, has sent protests to Colonial Secretary Alan Lennox Boyd, Secretary General Dag Hammarskjold of the United Nations and the Sultan now in London. He said: "Britain is trying to impose hated conditions of colonialism in the occupied South Yemen territory and she is attempting to confer upon her agents illegal authority to help achieve that end." The report of the New York Times went on to state that: "In Aden, Mohammed Salem Bawazir, acting General Secretary of the South Arabian League, of which Mr. Al-Jifri is President, made a statement along the same lines. 'Sultans and rulers are nothing

more than mere employes who receive their monthly salaries from the British Government,' he declared."

In addition, the same paper reported from London on July 11, 1958 that: "Britain has withdrawn recognition of the Sultan of Lahej, ruler of the largest and wealthiest of Western Aden principalities, and has banned the Sultan from the Protectorate and Colony. The object of the British move was to check nationalist manifestations in Lahej that threaten plans for a federation of the eighteen states, Sheikhdoms and Sultanates in the Western Protectorate."

It is obvious that if the proposed Federation is carried out according to British plans, it will indeed create a grave situation that could lead to serious repercussions not only in Yemen itself, but also in the Arab World at large.

Yemen protested against this British design for federating the tribes of what it considers its territory for the following reasons:

1. The amalgamation of the separate provinces into a strong political unit under direct British control could only mean a continuation of British domination over this part of Yemen for a long time to come.
2. This design is a violation of Article 3 of the 1934 Treaty which stipulated the retention of the *status quo* on the frontiers inside the Aden region as well as those which artificially separate Yemen from her Southern provinces.
3. It is also a violation of Article 6 of the *modus vivendi* Agreement which stated that "both Governments will refrain from taking action which may alter the *status quo* existing in the disputed areas at the present time."⁵⁵
4. The British authorities in Aden used, as they had in the past, intimidation and force to coerce the chieftains to accept the new British plan, contrary to the dictates of their conscience and the will of the people of the region. The recent deposition of the Sultan of Lahej, the case of the Jifri brothers and the imprisonment of the Fadhli Director of Education are cases in point.

Since the inception of the British plans of Federation in 1954, Yemen attempted to persuade Britain, by all peaceful means, to abandon the scheme. But instead of following a reconciliatory course, Britain used force against the inhabitants of Southern occupied terri-

⁵⁴ For more details of the proposed Federation, Consult: Arab States Delegations Office. "The British-Yemenite Dispute." (New York, September 1957)

⁵⁵ Britain Cmd. 8576

tories of Yemen in order to suppress their national feeling and desire to join their Motherland.

As early as January 1954 the Government of Yemen submitted its case to the Political Committee of the League of Arab States, which recommended a course of action that was adopted by the League's Council as follows:

1. Approval of the suggestions made by the sub-committee which was set up for studying this subject and approved by the political Committee.
2. Condemnation of the acts of violence and oppression carried out by British forces and declaration that the member states of the League of Arab States fully support the Mutawakelite Government of Yemen in its justified stand.
3. Declaration that it will carefully take various steps and arrangements in support of the present Yemeni stand.
4. The sending of a mission on its behalf to Yemen at the earliest possible time to express to His Majesty, the Imam, King of the Mutawakelite Kingdom of Yemen, the preparedness of the League of Arab States to take all steps which insure the support of Yemen in compliance with the provisions of the Arab League Pact and the requisites of Arab Brotherhood.

The Mission of the League of Arab States visited Yemen during February 1954 and held discussions with high Yemeni officials. It also listened to some Sheikhs who fled from the British occupied Yemeni territories due to British pressure. Furthermore, the Mission met with the Governor of Aden at his invitation, and in March of the same year submitted its report to the Council of the League. The League Council dispatched a memorandum to the Government of the United Kingdom protesting against the proposed Federation, the constructing of roads from Shabwa to Aden under military protection, and the unilateral prospecting for oil in disputed areas—all contrary to Article 6 of the Agreement of 1951.

The Council of the League of Arab States remained seized of the Yemeni complaint and discussed same during its sessions from 1955 to 1958. Similar courses of action were adopted to settle the dispute peacefully. The Bandung Conference also discussed the complaint of Yemen in 1955 and resolved that the "Asian-African Conference supported the position of Yemen in the case of Aden and the Southern parts of Yemen known as the Protectorates and urged the parties con-

cerned to arrive at a peaceful settlement of the dispute."⁵⁶

In search of peaceful settlement, Yemen has tried various channels, most important of which is entering into negotiations with Britain. The Crown Prince Seif Al Islam Mohamed El Badr, who is at the same time the Foreign Minister of Yemen, flew to London on November 10, 1957. He entered into negotiations with British Foreign Secretary, Selwyn Lloyd. In spite of the fact that no communique was issued, it was plain that "the main point of contention is the frontier between Yemen and Aden."⁵⁷

Although the British Foreign Office issued a statement that "the Crown Prince's visit enabled friendly personal relations to be established,"⁵⁸ this attempt was of no avail. The British authorities remained inflexible in their position and pushed forward their colonial designs, especially the one for Federation which could threaten — in the long run—the very existence of Yemen.

On the other hand the people of the British-occupied Yemeni territories have manifested their dissatisfaction with these British designs. They have sensed that these federation plans are meant to repudiate completely their relations with the motherland. In her attempts to suppress the national feelings of the people in this area, Britain has unleashed her military coercive force. British military attacks have extended out of the British-occupied Yemeni territories against free Yemen.

It is recorded that from December 25, 1956 through September 5, 1957, (a period of about nine months) fifty-five British attacks were launched against villages and towns in Yemen across the provisional frontiers. The towns of Qa'taba, Harib, Sauma'a Na'nan, Gahash and Shukair are only a few of many towns and villages which suffered from British air actions and land attacks, resulting in the loss of lives and material damage.

In a letter to the President of the Security Council dated July 21, 1958, the Permanent Representative of Yemen to the United Nations stated: "For months now, there have been continued aggressive activities by the United Kingdom's forces in that area (Harib) directed against Yemen, which resulted in much loss of life and destruction of property. The most recent of these acts of aggression . . . are the following — May 6 through May 8, 1958 marked three days of bomb-

⁵⁶ Arab States Delegations Office *op. cit.* p. 27

⁵⁷ Deadline Data on Foreign Affairs, November 1957

⁵⁸ *Ibid*

ing, ground and artillery attacks against the small southeast Yemen town of Qa'taba in the Vice Royalty of Ibb. Qa'taba is well within the provisional boundary of Yemen. The bombing hit and completely destroyed Al-Fath An-Nasiriya South Yemen Tribal School . . . This same bombing caused the destruction of a custom house near the school, and many other neighbouring houses. Twenty soldiers were killed and approximately sixty were wounded . . . The said bombing caused a number of deaths and casualties and illness from exposure and shock, particularly among women and children. Many students were exposed to shock, with at least two thought to be permanently effected mentally."⁵⁹

Other drastic methods of suppressing the national consciousness of the Arab people of the British occupied territories of Yemen and their affection towards their Motherland, i. e. free Yemen, have been adopted, including the system of collective punishment of the tribes. Of recent date, the tribes living in the area of Dhala were subjected to systematic dynamiting of their villages and the imprisonment of many individuals. Thirty-five out of thirty-eight members of the family of Prince Haidara had to flee for their lives to free Yemen.

But instead of diminishing the liberation activities of the people of the British occupied territories of Yemen, oppressive measures of the British authorities have intensified these activities—as witnessed, for instance, in the defection to Yemen of seven platoons of the regular infantry and a force of tribal levies of the province of Lahej during the last week of June 1958.

The Commander of these army units, after arriving in Taiz, Yemen, "cited continued high-handed acts by the British in violation of both the protectorate treaty and of local law. The British practiced illegal entry and search of private homes, he stated. During the absence in London of the anti-British ruler Sultan Ali Abdel Karim, Prince Regent Amir Fedl was defied. Half of the army officers and key directors of government departments were threatened with dismissal by British Agents."⁶⁰

In spite of all these unprovoked acts of oppression and repeated violations of treaty engagements, Yemen constantly attempted to settle her dispute with Britain through peaceful means.

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⁵⁹ United Nations, Security Council, Document S/4058 dated July 21, 1958.

⁶⁰ Arab Information Center, Lahej Army Units Safe in Yemen, press Release, July 1, 1958.

In conclusion one should state that it is a grave mistake on the part of the United Kingdom to underestimate the will of the Arab people and the surge of Arab nationalism, particularly in this region, to achieve freedom and self-assertion. Experience has taught that British policies no longer suit an era characterized by growing self-determination for erstwhile Colonial people. Aside from the fact that British policies are in contradiction to the spirit of the United Nations Charter, they are equally self-defeating, unadaptable and unrealistic in regard to Britain's own enlightened national interests, and to all concerned. Only when Britain depends in framing its policies on genuine popular support can it achieve its own minimum essential interests. This can be achieved only by good-will, sincere cooperation and objective understanding of the Arab people's desire and determination for the attainment of liberty and human happiness — not only for themselves, but for all mankind.

Aden and the British occupied Yemeni provinces cannot be kept far from the surge of the winds of healthy Arab nationalism. The fight of the people to attain their freedom will continue. The God given rights of liberty and independence will never be curbed by British aggression.

PART II

BRITISH AGGRESSION AGAINST THE IMAMATE OF OMAN.

By

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and

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I. INTRODUCTION

British imperialism in the South of the Arabian Peninsula was not confined to Aden and the British occupied territories in Yemen. It expanded to the Sultanate of Muscat and the Imamate of Oman. The small Sultanate of Muscat occupies the coastal sector of the Southeastern corner of the Arabian Peninsula. It consists of Muscat, Matrah, al Batinah, the peninsula of Ras al Gibal, the Cape of al Had, and Zafar. The Imamate of Oman lies further inland — about four miles from the Batinah coast — to the West of the Sultanate of Muscat. It consists of Central and Eastern Oman and the district known as al Gabal al Akhdar. The total area of the Sultanate and the Imamate is about 82,000 square miles, with about 550,000 inhabitants. In area and population, the Imamate of Oman forms the greater part of the territory.

As early as 1650 the troops of the Imamate of Oman succeeded in compelling the Portuguese (who had occupied Muscat in 1507) to evacuate the Imamate. The Imamate of Oman consolidated its independence and established its ascendancy in the Arabian Sea.

In 1737 the Persians, during the reign of Nadir Shah of Iran, invaded the coast of Oman and occupied the region until 1741. In that year Ahmad bin Said, the Omani Governor of Sur — a town on the Batinah coast about 150 miles Northwest of Muscat — expelled them and rejected Nadir Shah's claims to tribute. "For this service Ahmad was elected Imam in 1741,"¹

During the middle of the Eighteenth Century the Imamate of Oman "was the most powerful Arabian State, controlling part of the East African coast of Zanzibar, as well as parts of Persia and the Baluchistan coasts."²

Not only the independence but the power and prestige of this Arabian State were universally recognized. Before losing its complete independence as a result of British imperialism, it had treaty relations with powers such as France and the United States.

In 1832 the Sultan of Muscat invited the United States to conclude

¹ G. U. Aitchison, *op. cit.* p. 269.

² Deadline Data on Foreign Affairs, Muscat and Oman, 1957, p. 2.

a treaty of amity and commerce which was finally ratified on September 30, 1835. This treaty is considered to be "the sheikdom's first treaty of this class with a Western power."³ This treaty is still valid, although the provisions for extraterritorial jurisdiction are not exercised.

On November 17, 1844, a similar treaty was concluded with France. As was the case with the United States, the treaty accorded France extra-territorial rights and most favored nation treatment. A comparable treaty was concluded with the Netherlands in 1877.⁴

³ Hurewitz, *op. cit.* Vol 1, p. 108

⁴ *Ibid.* p. 127

II. BRITISH PENETRATION*

It was in 1798, during the rule of Sultan, son of Ahmad bin Said, that the British began their gradual penetration in this part of the Arabian peninsula. A treaty was negotiated on October 12, 1798, between the British East India Company and the Sultan at Muscat "with a view to exclude from Muscat the prejudicial influence of the French, with whom Saiyid Sultan was brought in contact through his trade with Mauritius."⁵ British records do not mention what pressure was applied to the Sultan that made him refuse to deal with the French and limit his relations to Britain. Nevertheless the pressure must have been strong indeed to make him accept the dictates of the 1798 treaty, which included the following proviso in its article 4: "As there is a person of the French Nation, who has been for these several years in my (the Sultan's) service, and who hath now gone in command of one of my vessels to the Mauritius, I shall, immediately on his return, dismiss him from my service and expel him."⁶

The Sultan was obliged to go even further in his commitments to the British. Thus, Article 5 of the treaty provides that "in case of hostilities ensuing here between the French and British ships, the force of this State by land and by sea, and my people, shall take part in hostility with the English."⁷

This arrangement was not very satisfactory to the British, for they quickly realized the need of constant pressure on the Sultan. Therefore, on January 18, 1800, Captain John Malcolm forced another treaty upon the Sultan, stipulating the strict observance of the previous one and providing for the residence of a British Agent at Muscat in an official capacity.

The people of Oman, together with the people of the town of Muscat, clearly expressed their opposition to this British penetration. Under such circumstances, the British resorted to their classical technique and relied on an unpopular puppet to carry out their selfish designs. Said bin Sultan was brought to rule, but the people rejected him and refused to concede him the title of Imam. The irony here is that the British, whose declared aims in penetrating the coasts of Arabia had been to crush piracy, supported none other than a former

*This part is based upon The Arab Information Center: The Status of Oman and the British Omanite Dispute, (New York, 1957).

⁵ Deadline Data on Foreign Affairs, Muscat and Oman 1957, p. 2

⁶ Aitchison, *op. cit.* p. 269

⁷ *Ibid.* p. 287

pirate — Said bin Sultan. When the people of Oman and Muscat revolted against Said, the British dispatched troops and gun-boats in 1808 to crush the rebellion. This British action was undertaken with the remarkable excuse of the British Government that if they did not support him "he would be converted from a friend into a dangerous enemy."⁸

This puppet Sultan ruled for fifty years, a period long enough to consolidate British influence in Southeast Arabia. Toward the end of his rule, the British attempted to weaken the once powerful state of Oman through dismembering its domain. In 1854 Said was forced to cede to the British Government the Kuria Muria islands on the South Coast of Arabia. The deed of this cession declared:

"From the humble Saeed bin Sultan

There has arrived to me from the powerful nation (Britain) Captain Freemantle, belonging to the Royal Navy of the Great Queen, requesting from me (Jesairi bin Colfaim) Kuria Muria Islands, viz: Helanee, Jiblea, Soda, Haski, and Purzond; and I thereby cede to Queen Victoria the above-mentioned Islands, to her, or her heirs and successors after her."⁹

The people of Muscat and Oman, who never had accepted Said as their legal ruler, continued their revolts against him, and "on more than one occasion his power was saved only by the interventions of the British Government."¹⁰

After the death of Said, the British continued their policy of dismembering the state. They exploited a quarrel between his two sons, Saiyid Majid and Saiyid Thuwaini, to dismember Zanzibar from the mainland. The dispute was submitted to the arbitration of Lord Canning, who in 1851 decided that Zanzibar should be independent of Muscat. The British official documents regarding this decision sound more like a dictation of terms than an arbitration. Lord Canning wrote:

"The terms of my decision are as follows:

1. That His Highness Saiyid Majid be declared ruler of Zanzibar and the African Dominions of his late Highness Saiyid Said.
2. That the ruler of Zanzibar pay annually to the ruler of

Muscat a subsidy of 40,000 crowns.

3. That His Highness Saiyid Majid pay to His Highness Saiyid Thuwaini the arrears of subsidy for two years, or 80,000 crowns. I am satisfied that these terms are just and honorable to both of you: and as you have deliberately and solemnly accepted my arbitration, I shall expect that you will cheerfully and faithfully abide by them, and that they will be carried out without unnecessary delay."¹¹

The overseas territories of Muscat were dismembered by the British Government one after the other, and as late as September 8, 1958, the port and peninsula of Gwadar, Muscat's last overseas territory, was given to Pakistan.¹²

After they had established their control over Muscat, the British decided to consolidate their influence in the Omani Hinterland in order to have a monopoly over its resources.

In 1902 the British Government forced the Sultan to agree that he would not grant a concession for exploiting the coal-fields in the hinterland of Sahra to any foreign power or company without the permission of British authorities.

In 1905 a London Company, "The Sponge Exploration Syndicate Ltd.," obtained from the Sultan a concession for fifteen years to fish for sponges in the territorial water of Oman. Thus the people of Oman, whose main occupation had been the extraction of sea resources, were faced with merciless competition within their own waters.

The reaction of the people of Oman, who never gave their approval to the rule of the Sultan and his British masters, again took the form of open rebellion in 1913. The British quickly landed troops in an attempt to crush this rebellion. These British attempts failed, except in the town of Muscat and its immediate surroundings. Thus Oman, which always had enjoyed an autonomous status, strengthened its independence and continued to elect its own Imam. Accordingly British attempts to dissolve the unity between Muscat and Oman, which had continued since the close of the Eighteenth Century—seemed successful. The Omanis always insisted, however, upon maintaining their freedom and ridding themselves of British occupation.

The majority of the people of Oman belong to the Obdahites, one of three major schools of Islam, who adhere to the democratic principle

⁸ Ibid p. 288
⁹ Ibid p. 270
¹⁰ Ibid p. 302

¹¹ Ibid p. 272

¹² The New York Times September 8, 1958

of electing their Imams rather than following hereditary succession. An Imam is elected on the basis of certain essential qualifications including, among other things, mastery of Islamic jurisprudence. All of the sixty-one Imams who have ruled Oman during the past twelve centuries have been chosen by the people. The Imam Ghalib Ibn Ali, against whom British aggression has been directed during the past three years, was elected in 1954.

The Sultan of Muscat, on the other hand, is a purely secular ruler established, as previously shown, by British help on the coast of Eastern Arabia. The limited territorial control of the Sultan of Muscat is a historical fact, universally recognized. It is also supported by documents exchanged between the British Political Agent at Muscat and the Imamate of Oman since 1919. The following are some excerpts translated from a letter in Arabic dated May 13, 1919, sent and signed by Major L. Haworth, Consul of the British Local Government in Muscat, to Sheikh Isah Ben Saleh El-Harthy, the deputy of the Imam of Oman: "... and this is the only reason why I would like to meet with you and discuss what should be done to better the relations (between Muscat and Oman) since negotiations in this case are the only means to settle and to enable the disputants to understand each other's claims . . . if it was out of the intention to bring harm to you, then it would have been easy to send one of our planes which would be more than enough to bring destruction upon your cities and fortresses and certainly you cannot resist this.

"You know too that the mastery of the seas is in our hands, and if you want our enmity, then we shall not allow rice, wheat or clothes to be sold to you, nor allow you to sell your dates since all trade passes through our hands. I request you to explain to your Imam that in our opinion this state of affairs cannot be settled unless we meet with you."¹³

In another letter dated August 20, 1919, Major Haworth, admitting the existence of Muscat and Oman as two separate political entities, wrote to the Deputy Imam:

"I shall be very pleased to meet you in Sib as you wish, at the end of the month, and shall be extremely happy if these matters are settled to the satisfaction of both parties."¹⁴

Perhaps the most striking evidence acknowledging the independ-

ence of Oman from Muscat in the recent history is the fact that all official communications carried between Muscat and Oman were conducted through the British Political Agent, who is responsible for Muscat's foreign affairs. Thus, the British, as well as the Sultan of Muscat, admitted both in theory and practice that the relations between Muscat and Oman fell under the category of foreign and not domestic relations. The *British Royal Institute of International Affairs* confirms that "since the last century, the authority of the Sultan of Muscat has not in fact extended beyond the coastal areas and Dhofar to the tribes of the interior."¹⁵

According to Wilfred Thesiger, an English authority highly respected in his country, Imam Mohammed Ibn Abdullah who was elected in 1920, effectively administered the settled tribes over a front extending some 200 miles Northwest and Southeast of his capital—Nazwa—and was recognized by the nomad tribes of the interior. Thesiger gives an important eye-witness account. He says: "We were now entering territory which is effectively administered by the Imam, Mohammed Ibn Abdullah, who is recognized as ruler of inner Oman by all the settled tribes . . . His representatives are to be found in every group of villages where they administer justice and collect taxes . . . the Bedouin do . . . recognize the Imam as their over-lord and the expression 'God lengthen the life of the Imam' is frequently heard amongst them and sincerely meant, since by affording them a tribunal and by composing their differences he has brought to them security and justice. Here a man can walk unarmed and leave his camels unattended without fear that he will be robbed."¹⁶

Another British authority, Captain G. J. Eccles, characterized the authority of the British-supported Sultan of Muscat in these words: "... the Sultan in reality has authority only in Muscat and a stretch of coast to the north and south, which can be intimidated by British gun-boats."¹⁷

Indeed the dispute that arose between Oman on the one hand, and the Sultan of Muscat and the British on the other, ended in a peace treaty—the Treaty of Sib—signed on September 25, 1920. Ironically the British, were not only instrumental in drafting the treaty but were the actual intermediaries at the time of negotiations.

¹³ A photostatic copy of this document is found in Arab Information Center: op. cit.
¹⁴ A photostatic copy of this document is found in *Ibid*

¹⁵ Royal Institute of International Affairs: *The Middle East, a Political and Economic Survey* (2 edition) p. 136-7

¹⁶ Wilfred Thesiger "Desert Borderland of Oman" *Geographical Journal*, October-December 1950 p. 151-2

¹⁷ Captain G. J. Ecclesin *Journal of Central Asian Society*, (Vol. 14, 1927) p. 27

This was acknowledged in the communications sent by the British Consul and Political Agent in Muscat, Mr. R. Winget, dated January 8, 1920, to the Deputy Imam of Oman: "I am glad to inform you that our government has authorized me to work as an intermediary in the Sib meeting as you requested . . ."¹⁸

The Treaty of Sib established certain rights and privileges for both parties. By virtue of Article 1, Part I, both parties agreed to fix the tax to be imposed by the Government of Muscat on Omanite trade carried in or through Muscat. They also recognized the fact that the Sultan's jurisdiction covers the coastal area only—Muscat, Matrah, Sur and the rest of the towns on the coast.

Article 2, Part I, of the treaty stipulates that the Sultan of Muscat undertakes to safeguard within his territory the freedom and security of the people coming from Oman "in all the towns of the coast."

Article 3, Part I, embodies the well-known principle of international law that a sovereign is the one entitled to decide to whom it will accord the right to enter its territory and ease or remove restrictions imposed upon subjects of other states.

According to Article 4, Part I, the Sultan recognizes the domestic competence of the courts of Oman and undertakes to refrain from granting asylum to any criminal fleeing from their justice. In addition the Sultan pledges not to interfere in the domestic affairs of the Imamate of Oman. This was further acknowledged and confirmed by Britain in a communication dated March 8, 1922, signed by Major Rae, British Consul and Political Agent in Muscat, to the Deputy of Oman. "The Government of His Highness, the Sultan Taimur Ben Faisal, has notified me about events happening in Sur to the effect that a man from Oman has killed a soldier of the Sultan in Sur. This is to inform your Excellency that this act is aggression on the part of Oman along the borders of the state of Muscat and an abrogation of treaty obligation . . . It is the duty of Omani (authorities) to seize the murderer and punish him so that no similar acts may happen in the future."¹⁹

On the other hand, the representative of the people of Oman, in accordance with the four articles in Part II of the same treaty, undertakes that the people of Oman will keep peace with the Sultan and will not interfere in the Muscat Government. Captain Eccles called the treaty a "virtual acknowledgement of the independence of the

Imamate."²⁰

Nonetheless, during the last week of July 1957, the British unleashed their jets and rockets in an attempt to intimidate the Omani people and suppress the national movement in Oman. Later they rushed troops to the region to carry out a full-fledged invasion.

Therefore, the question arises: What has caused the sudden British departure from solemn treaty obligations?

As has been noted, British hegemony concentrated for decades in the coastal areas of Eastern and Southern Arabia. When vast oil potentials were discovered in the interior, however, the British felt the necessity for expanding this hegemony into the hinterland. Their instrument of expansion was a series of aggressive acts which came to the foreground in 1955.

On September 16, 1955—as a prelude to the conquest of Oman—British-commanded forces seized the Saudi Arabian Buraimi Oasis, overpowered the Saudi police force in the Oasis, and suppressed the resistance of the local chiefs. Three months later, on December 17, 1955, the British-led Muscat forces invaded Oman and seized Nazwa, the seat of the Imam. These forces came by way of Buraimi. In face of the pressure of the British-led forces, and despite the courageous resistance of the people of Oman, the elected Imam of Oman was obliged to take refuge in the mountains in order to continue his campaign against the aggressor. The attack on Oman was launched in order to establish so-called "legal grounds" for concessions and exploitation rights in the hinterland granted by the Sultan of Muscat to a British Company. Imam Ghalib Ali of Oman, following the example of his predecessor, the late Imam Al-Khalili, had constantly refused to sanction these concessions.

The campaign was financed by the British Iraqi Petroleum Company. Its objective was to occupy the Fahud region, believed to possess great deposits of oil. It is a fact that following the occupation of Nazwa, the British immediately proceeded to Fahud, men and equipment were sent to the area and drilling work started.

Mr. James Morris, British author and journalist who accompanied the Sultan of Muscat during the 1955 campaign, had the following to say: "I was certainly not quite convinced of the precise legality of our action. It was at least questionable whether the Sultan had the right to oust the Imam, and at least conceivable that he had no business

¹⁸ A photostatic copy of this document is found in the Arab Information Center: *op. cit.*

¹⁹ A photostatic copy of this document is found in *Ibid.*

²⁰ Captain G. J. Eccles, *op. cit.*

to offer concessions in the interior, and just possible that Saudis were right about Bureimi. Purists might think it a little hypocritical to pretend that only the Sultan's hereditary rights were at stake, when everyone knew it was oil that had caused all the excitement; and some might consider it evasive, to put it mildly, to maintain that British forces were not concerned in the action. All in all, it could not be claimed that the British attitude to this affair was characterized by childlike innocence or simplicity."²¹

The American press was quick to smell oil in the renewed British aggressive designs in Oman. Headlines in July 1957 told the story eloquently.²²

Even the British Foreign Secretary admitted that the decision to interfere in the national movement in Oman was made on the grounds of direct British interests involved. He told the House of Commons that Britain was not acting in accordance with any treaty with the Sultan of Muscat.

A British official was quoted by the Associated Press on July 27, 1957, as saying "British prestige in the Persian Gulf right now is at stake. If Britain fails to put down this revolt, we will be finished in the Persian Gulf—Britain has immense oil wealth in the Gulf."

The British have not attempted to conceal the real motives behind their action in Oman since 1955. They claimed that they had launched their attack against Imam Ghalib because he authorized a "treasonable conspiracy" against the Sultan of Muscat. They did not offer any evidence, however, in way of illustrating the nature of their fantastic charge. But the reason for British wrath is an open secret; for it is a fact that the present Imam had expressed his wish—derived from his sovereign right and the natural right of the people of Oman—to join the Arab League. *Newsweek* reports that in 1955 the Sultan and his British backers (they manage the Sultan's army and foreign affairs) decided the Imam was getting too ambitious, i.e. trying to join the Arab League.²³

The Pact of the League of Arab States provides that the League should consider the affairs of Arab countries and safeguard the interests of those which are non-members. The League has therefore undertaken to reveal the true conditions in the Imamate of Oman.

²¹ James Morris, *Sultan in Oman*, (Pantheon Books Inc., 1957) p. 141
²² Press headlines read: "Oman Dispute Stirs British Fear in Oil." (N. Y. Times, July 23, 1957)
"Oman Gateway to Oil." (N. Y. Herald Tribune, July 23, 1957)
"Oil Rivalries Seen in Oman Uprising." (N. Y. Journal American, July 23, 1957)
²³ *Newsweek*, August 5, 1957

On November 25, 1954, the Secretary-General of the League received a message from the Imam of Oman stating that he delegated his brother, Taleb Ben Ali, to apply in the name of Oman for membership in the League. At the same time the Arab League Secretariat received the application of Oman indicating its acceptance of the obligations implied in the Pact and expressing its respect for its resolutions. The application further stated that Oman is an independent state, and that its system of government is Islamic; the Imam is the religious as well as the secular head of the state. Justice is administered according to the teachings of Moslem law. It also stated that the country is self-sufficient and referred to Oman's natural resources, which have so far remained unexploited.

The Political Committee of the League of Arab States discussed this application during its meeting of December 2, 1954. It requested confirmatory data from member states, especially Saudi Arabia and Yemen, who are neighbors of Oman. The application of Oman was discussed in the Council of the League on October 14, 1955.²⁴

In the following year the Council approved the following resolution of its Political Committee: "The Political Committee considered the note of the Secretariat on the Imamate of Oman. It authorizes the Secretary General to form a mission of three delegates representing the League to examine the conditions in the territory of Oman and contact the authorities there. The mission should send in its report to the League Council in its next session. It also recommends that member states facilitate the work of the mission."²⁵

The British, meanwhile, in an attempt to block Oman's move for self-determination, hastened to intensify their armed aggression against the people of the Imamate, in violation of the Treaty of Sib.

The Political Committee of the Arab League Council in October 1956, reviewed the case of Oman and the development of events there since the British aggression against its independence and sovereignty. The Committee recommended:²⁶

1. That member states should continue their efforts until the Imamate of Oman recovers its rights and freedom.
2. That member states should direct their delegates at the United Nations to bring this question before the General Assembly and to explain the sufferings through which

²⁴ Resolution No. 1020. October 14, 1955.
²⁵ Resolution No. 1127. April 12, 1956.
²⁶ Resolution No. 1207. October 22, 1956.

Oman is going at the present time.

3. That the Secretariat should continue its efforts for the implementation of the resolutions passed by the League Council in its meeting of April 12, 1956.

Furthermore, The Arab League Secretariat has taken the following steps with regard to the British armed aggression:

1. It asked member states to provide urgent assistance and to contact Arab Red Crescent and Red Cross societies to aid the wounded in Oman as well as those in need of help there.
2. On August 5, 1957, the Secretariat sent to the Bandung States a copy of the letter which the Secretary-General had received from Emir Ben Issa Al Harthy, Deputy Imam of Oman, in which he described the sufferings inflicted upon his people by Britain's repeated aggression, especially since May 1, 1957. This letter refuted the arguments put forth by Britain in order to justify its aggressive acts on the Imamate of Oman and appealed for assistance in Oman's struggle to recover its independence and sovereignty.

On August 13, 1957, the Arab Member States of the United Nations appealed to the Security Council to consider: "The armed aggression by the United Kingdom of Great Britain and Northern Ireland against the independence, sovereignty, and territorial integrity of the Imamate of Oman."²⁷

The United Nations Security Council discussed the problem on August 20, 1957, but failed to take any action because, with a vote of five in favor, four against and one abstention, the Council could not place the question of Oman formally on its agenda.

Mr. Jawad of Iraq, talking on behalf of all the Arab States, concluded his remarks to the Security Council concerning the action—or rather inaction—of the Council by saying: "It would have been quite helpful and proper for the Council to have discussed this question with a view to exercising certain principles of the Charter and of international law. The matter has not, unfortunately, been viewed in this manner, but it is to be noted that the refusal to place it on the agenda of the Council does not in any way dispose of the problem. The striving of a nation for its freedom and independence is a con-

tinuously mounting force, and the ascending generations, with more knowledge and consciousness of their right to live free and independent, will undoubtedly continue the struggle."²⁸

In fact, the Omani people are continuing their struggle for dignity, freedom and sovereignty. Their armed resistance against British oppression has led the British Government to provide assistance for strengthening the armed forces of their protege, the sultan of Muscat. This support included "the secondment of personnel where necessary, and the establishment of a small air force as an integral part of the Sultan's armed forces. . . . Her Majesty's Government (British Government) have agreed to make available stores and supplies for the Sultan's armed forces for current security measures."²⁹

The oppression inflicted upon the Omani people cannot last indefinitely. With the growing influence of world public opinion, and the surge of Arab nationalism in this part of the world, Britain will soon have to realize that she cannot withhold forever the God-given rights of freedom and sovereignty from these people, and that she should accept and implement the principles of self-determination which are embodied in the United Nations Charter.

²⁸ U. N. Security Council, S/PV. 784, 20 August, 1957, p. 48.

²⁹ British Information Services, "Muscat and Oman, Text of a statement by the Secretary of State for Foreign Affairs in the House of Commons, July 31, 1958." (New York August 1, 1958 T. 52).

PART III

THE BURAIMI DISPUTE

By

OMAR HALIQ, Ph.D.

I. BRITISH AGGRESSION

The armed seizure of the Buraimi Oasis in the south-eastern desert of Saudi Arabia, in the early dawn of 26 October 1955, marks the climax of a long-standing dispute between British interests and Saudi Arabia over certain boundaries and areas of sovereignty.

This event has now brought the so-called *Buraimi Dispute* before the court of world opinion, and calls for public review of the facts and circumstances leading up to the brink of war.

The further seizure of *Nazwa*, the capital of the independent State of Oman, by British-led forces of the Sultan of Muscat on 15 December 1955, is closely related to the British occupation of Buraimi.

A. Invasion of Buraimi

The *Buraimi Oasis* is a pivotal point for any approach from the coasts of the Persian Gulf to the desert hinterlands of Oman (see Map). It is also a crossroad for caravan routes through the deserts of southeastern Saudi Arabia, and a meeting place of many nomadic tribes in the region.

The Buraimi Oasis area, as defined by an arbitrary circle containing about 37 square kilometers (15 sq. miles), is a small part of the large desert territory which was made subject to international arbitration in 1954. The Oasis has a population of perhaps 10,000.

It contains eight small towns and villages, six of which the British claim in the name of the Ruler of Abu Dhabi, and two for the Sultan of Muscat. Saudi Arabia claims sovereignty over all of Buraimi.

According to British press correspondents, writing from Buraimi, the towns of the Oasis were taken on October 26th by British-led troops numbering more than 1,300. They overpowered 15 Saudi policemen stationed there under the Arbitration Agreement. The resistance of local leaders, loyal to Saudi Arabia, who held off the invaders, was broken by the end of the day. They had no choice in the face of overwhelming odds, including British war planes swooping down upon them.

"It is a story," wrote the British newspaperman, *Noel Barber*, a few days later from Buraimi, "that might have been

written 60 years ago, when 'outposts of Empire' were fashionable.¹

"Tonight all is quiet in Buraimi; the Trucial Levies² and the Muscat and Oman field forces are in control.

"And somewhat out in the desert British forces flown here via Aden stand to in case the Saudi Arabians counter-attack.

"The Saudis have some paratroops, several American planes, and twenty transport planes suitable for moving troops."

King Saud, still relying on the processes of peaceful settlement, did not send his paratroops.

Three of the leading Shaikhs of Buraimi and their families, who surrendered, reported the event in a long statement when they finally reached their refuge in Dammam some days later. They called their statement "*Report of the British aggression against us, our country, and the peaceful subjects.*" It said in part:

"They encircled the country with regular troops and armored cars and began firing with machine guns and artillery. Aircraft hovered in the sky over Buraimi and Hamasa, dropping bombs which created terror and fires. . . . An ultimatum was sent to us by the British commander, which said, 'If you do not give up the country and surrender to the Commander within half an hour, we shall completely destroy the country and annihilate all of you.' When we heard this stiff ultimatum, we had to surrender to the British in order to stop the shedding of Muslim blood."

"I was the Qadhi (judge) in Buraimi," swore one of the refugees in his statement, "and received threats and warnings from the British and their disloyal henchmen that they would arrest me and my sons, and would kill and burn us. But, by the grace of God, we escaped their evil. I immediately hired a truck and left Buraimi at night with my sons and family, fleeing in fear and anxiety. When I reached Dubai, I heard from those whom I trust that the British would arrest me."

Another refugee Shaikh reported the warning given to him by a British official in Dubai in these words:

"You are a criminal and a madman. . . . Because you are

¹ London Daily Mail, 31 October 1955.

² Trucial Levies are a British colonial force commanded by British officers, which was first organized in 1951.

miserable you want to go to Ibn Saud (the King) and be denied your country, property and possessions. As an Englishman, I am telling you that, if you want happiness, I suggest that you go to the Sultan Said (of Muscat) and meet him face to face, and relinquish the rule. The British Government, then, will be ready to help you and return you to your country as a supporter of the Sultan. We shall return to you all the money, furniture, jewelry, gold, property and palm trees that have been confiscated from you."

The prisoner replied, "Officer, I am not acquainted with the Sultan, nor do I recognize him under any circumstances whatsoever. Neither he nor his forefathers held any rule and power over us. The reign is the reign of the House of Saud."

B. Seizure of the capital of Oman

The independent State of Oman has been maintained and defended for over 1,000 years by the Ibadhite school of Islam which subscribes to the republican theory that its Imam (leader) must be elected—not installed by hereditary succession. The Oman desert region is not within the disputed areas submitted to arbitration. But it is related to the "Buraimi Dispute" because access is gained to it from the coastal domain of the Sultan of Muscat by skirting the forbidding mountains and passing through the Buraimi area.

Less than two months after the British had taken control of Buraimi, they led the Sultan of Muscat's forces against *Nazwa*, the capital of the elected Imam of Oman. This invasion violated the 1920 *Treaty of Sib* under which Britain and its protégé, the Sultan of Muscat, had agreed to respect the territorial integrity and sovereignty of the Imamate.

The British-supported occupation was executed in the name of the same Sultan of Muscat who had spent large sums over several years to get himself elected Imam and had been overwhelmingly defeated in May 1954.³ Ghalib ibn Ali, the elected Imam, fled from the British-armed forces into the mountains, and appealed to the Arab League in Cairo for help. He spoke as the head of a small state whose independence had been defended for over 1,000 years.

In 1926 a British authority, Captain G. J. Eccles, called the *Treaty of Sib* a "virtual acknowledgement" of the independence of the Ima-

³ Even a non-resident Muslim, as the Sultan was, may be a candidate.

mate, and characterized the authority of the British-supported Sultan in these words:

"... the Sultan in reality has authority only in Muscat and a stretch of coast to the north and south, which can be intimidated by British gunboats."⁴

In 1955 the British saw fit to use machine guns, artillery and war planes to extend the Sultan's authority from his coastal strip over the mountains into Buraimi, and thence into the hinterland of independent Oman. The reason for this seizure is cited from British sources in the next section.

C. From arbitration to violence

When troops marched into Buraimi under British commanders, the territory invaded was subject to an Arbitration Agreement between Britain and Saudi Arabia.

Not until the surprise attack brought the Oasis firmly under British control did the United Kingdom inform Saudi Arabia that it had unilaterally repudiated the Arbitration Agreement.

The note delivered to Saudi Arabia by the British Embassy in Jiddah, right after the raid, used almost the same words employed by Prime Minister Eden in his report to the House of Commons:

"Her Majesty's Government have therefore with regret felt obliged, in exercise of their duties to protect the legitimate interests of the Ruler of Abu Dhabi and the Sultan of Muscat and Oman, to advise them that the attempt to reach a just solution by means of arbitration has failed."

The British note and the Eden speech fixed a boundary line, deep in Saudi territory, just about where the British had wanted it established during the first negotiations in 1935—almost 20 years before the conflict claims were submitted to arbitration. The British note of 1955 bluntly warned:

"No unauthorized crossing of this line either by land or by air will be permitted."

It added:

"No further Saudi flights to the Oasis will be permitted and landing strips there have been rendered unserviceable."

Though arbitration proceedings were voided by the British,⁵

the Saudi Arabian authorities did not imitate the British by resorting to force. They held in check their angry tribes, sought to resume the disrupted arbitration, and prepared an appeal to world opinion. Their hopes for moderation and conciliation were promptly reported in England's press.

Two British correspondents, Noel Barber and Lee Hall, reported to the Daily Mail on October 28th that "Saudi Arabia is considering taking the question to the United Nations."

In his speech on November 12th on the second anniversary of his succession to the Throne, King Saud said:

"My heart was warmed at your enthusiasm, zeal and preparedness to sacrifice in the face of this despotic aggression. We shall by the will and power of God work to regain our complete rights, exhausting all peaceful methods to achieve our objectives."

⁴ Captain G. J. Eccles in *Journal of the Central Asian Society*, Vol. 14 (1927) p. 27.

⁵ Documented in sections III and IV.

II. WHAT IS AT STAKE

Before outlining the story of the conflicting claims leading up to the use of British force, it is important to see what is at stake—A. For the British, B. For Saudi Arabia, and C. For the International Community.

A. Stake for the British

The record shows that the United Kingdom is motivated by a quest for oil and eagerness for increased revenues out of its 19th century footholds on the Arabian Gulf.

Since oil is the main British concern, it might be assumed that Saudi Arabia similarly presses its claims to the disputed region on the same grounds. But oil is *not* the Saudi motivation, as shown in the statement on p. 69 of what in fact is at stake for Saudi Arabia.

Here are four facts that clearly identify oil as the main British stake in the "Buraimi dispute":

1. For more than a hundred years before oil was discovered, the British made no claims to the desert wastelands or the mountains along the coast.⁶ In many official statements, they restricted the boundaries of their interests to the Shaikhdoms, centered in small fishing and pearling villages on the Trucial Coast, and the Sultanate of Muscat. Their only purposes in controlling these "petty rulers"—as the British called them—was to protect British shipping en route to India from piracy, and to keep other nations—France, Russia and Turkey—from getting a foothold along the Arabian Gulf. To the British there seemed to be no point in drawing boundary lines to mark the land limits of the so-called Trucial States, or of the Sultan of Muscat, so long as the desert hinterland held no interest for British operations.

For example, in 1929 the British Resident in the Persian Gulf stated that intervention in the internal affairs of Arabia "would entail a control on the main-land which we have no desire to assume; it would

⁶ A boundary line stipulated in an unratified Anglo-Turkish Treaty of 1913—the so-called "Blue Line"—was merely a rough division of authority between two colonial empires. Not until after World War I did any Englishman even set foot in the vast desert area south of the Trucial Coast.

mean an extension of the British Empire." (Italics supplied)

The Saudi Arabian Memorial submitted to the Arbitration Tribunal in 1955 features many such quotations from British authorities disclaiming any rights beyond the coastal strips and recognizing the authority of King Ibn Saud along with the independence of interior Oman.

2. When oil was discovered in Saudi Arabia, and Aramco was awarded a concession in 1933 instead of the British-dominated *Iraq Petroleum Company*, the British Government began to lay claim to large desert regions in the name of coastal rulers under its "protection." *Petroleum Concessions Limited* was formed in 1935 with the same ownership as Iraq Petroleum Company (IPC) "to acquire rights for I.P.C." The British Government then used its power over the local rulers to gain concessions.

For example, Brigadier Longrigg, a negotiator for Petroleum Concessions Limited, tells the story of his activities during the late 1930's in his book, "Oil in the Middle East." He states, "... early in 1939 the Shaikh of *Abu Dhabi*, whose almost uninhabited country comprises three-quarters of the whole Trucial Coast and an *unknown area of hinterland*, awarded (us) a concession for its oil resources." (Italics supplied)

The British now claim most of the disputed region in the name of *Abu Dhabi*. Their aim is obviously to make use of this vague concession to drill for oil over a large interior territory.

The I.P.C. *Handbook* of 1948 noted the difficulties in establishing authority for oil rights given in concessions by coastal rulers, and made this admission: "*Boundaries have never been demarked*, and the conception of lines upon a map or in nature is totally incomprehensible to the local mind. *The areas of the various States* (Trucial Coast, etc.) *are therefore more or less imaginary.*" (Italics supplied)

It was the purpose of extensive negotiations which the British conducted with the Saudi Arabian Government before and after World War II, to fix favorable boundary lines that would validate and protect them in developing oil

concessions.

3. Impatient to get on with the search for oil, after the war the *Iraq Petroleum Company* began exploration activities in disputed territory.

Their parties were accompanied by soldiers from the Trucial Levies. Saudi protests were ignored.

When Aramco field parties, checking on a survey made in 1937-38, ranged into the *Dhafrah* region in 1949, accompanied by a few Saudi soldiers, the British Political Officer for Trucial Oman registered complaints.

To avoid friction, Saudi Arabia urged suspension of all oil activities in disputed areas. When Britain finally accepted total suspension in the London Agreement of 1951, its official notes on the subject showed conclusively that oil was the urgent goal of British territorial demands in the desert. Yet the ban was denounced by the U.K. and withdrawn in 1953 when British oil operations were resumed.

4. After the arbitration proceedings were disrupted by the British in October 1955 and British-led forces occupied Buraimi, the British press bluntly explained the aim as oil.

For example, the *Daily Mail* commented on November 8: "... the outcome of the drama in that outlandish corner of the globe is of vital importance to each one of us. The Arabs call it 'The Empty Quarter' and the greatest portion of it is empty of all but sunbaked sand—on the surface. But underneath the shifting crust, British scientists believe they have discovered a vast reservoir of oil." Speaking of the occupation forces, the *Daily Mail* said: "Britain put them there, as she had every right to do, and in a few months British engineers will start drilling for oil."

It is perhaps no coincidence that, according to the *London Times* of Dec. 20, the Muscat Field Force is "financed partly by the Sultan and partly by a subsidiary of the *Iraq Petroleum Company* ..."

(See also Section IV)

Besides oil revenues, defenders of colonialism believe that Empire status and prestige are now at stake in these activities. The 19th cen-

tury reason for subsidizing the Arabian Gulf Shaikhs and for yoking them under British "protection" has long since evaporated. But hanging on to this Middle East foothold, even at considerable expense, is a matter of prestige. So if the "petty and quarrelsome rulers" on the coast can be used to claim and control the oil-rich hinterland, the trouble and expense of "protecting" them could well be justified in terms of large economic gains to Britain. The costs of clinging to prestige positions could be met out of profits.

Such considerations clearly play a role in British policy. They have seriously complicated arbitration proceedings. Having asserted its claims to the desert hinterland, Britain's failure to establish and exploit them would—according to colonial apologists—be another blow to her waning position in the Middle East.

B. Stake for Saudi Arabia

Saudi Arabia's primary concern is the peace and order of the Kingdom.

If it permitted a foreign power to take territory in its historic domains by force in the name of puppet rulers and to fix a boundary of foreign fiat, Saudi Arabia would thereby abdicate its responsibility to its loyal tribes. It would also be subjected to a serious challenge to its national authority.

The following facts will contribute to an understanding of why Saudi Arabia insists on a fair settlement of conflicting claims on the merits of the case.

1. This is no small matter. The total area between the boundary lines in dispute is large—some 75,000 square kilometers (approximately 30,000 square miles). This area is larger than Ceylon, or Belgium and the Netherlands combined, or the 5 American states of Maryland, Massachusetts, New Jersey, Rhode Island and Delaware put together.
2. This huge desert region, with its few oases and wells, is the homeland of many tribes which the record shows have borne allegiance and paid taxes to the King of Saudi Arabia for over a hundred years. Although there is no census count, these Saudi tribes are believed, judging from tax records, to number about 20,000 people.
3. Some live in towns and villages around the oases, engag-

ing in trade, tending date gardens, and irrigating small fields. Most of them lead a nomadic life much of the time, wandering among the sand dunes for pasturage, living with their camels and flocks on the fringes of what is called the Rub' al Khali—"the Empty Quarter."

4. Arab society rests on the family and the tribe. A patriarch, head of a family, speaks for all his descendants, relatives and others attached to the family. A Shaikh or Amir speaks for many patriarchs who belong to the tribe. The Shaikhs bear allegiance to, and receive protection from, the King and his central government.
5. A levy fixed by the Koran, called the *Zakah*, is collected from the loyal tribes by the King's Governor of the province. This tax is used by the central government as a sort of social security fund to take care of tribes which suffer disasters such as long droughts, fire, etc. The *Zakah* system is one of the 5 pillars of Islam. In places like the Buraimi area, where money is little used, the *Zakah* is often collected in kind, such as camels.
6. The forefathers of King Ibn Saud, after the *Arabian Reformation* that took place about the same time as the American Revolution, united the tribes of the Arabian Peninsula. In the 20th Century King Ibn Saud consolidated his ancestral domains in the present State of Saudi Arabia; he put an end to tribal wars and chaotic lawlessness in his desert kingdom and established law and order by giving the King's protection to the tribes in return for their allegiance. He collected the *Zakah* tax from the tribes in the disputed areas, settled differences, punished lawbreakers. Arab tribal leaders have a saying which goes to the heart of this orderly procedure: "*No taxation without protection.*"

What, therefore, is primarily at stake in the seizure of Saudi lands—from the Saudi point of view—are these binding tribal relationships which hold the Saudi Arabian state together. The King could not allow a foreign power to seize and hold the lands of leaders loyal to him, and force them under the control of puppet rulers. He has promised to defend their rights.

This shows why, from the Saudi viewpoint, the British claims and aggressions strike at the peace and integrity of the Saudi nation.

Saudi motives in pressing their claims and seeking a renewal of arbitration under fair conditions are, therefore, to protect the peace and order of the Arabian Peninsula.

C. Stake for the International Community

The outside world has an over-riding interest in the pacific settlement of disputes. Unilateral declarations and the use of force to impose claims constitute a threat to the United Nations system for peace and security.

Saudi Arabia's record of negotiation, its abstention from the use of force, and its willingness to abide by an arbitration award, have put it on the side of international order. The record shows that Britain walked out on arbitration, and seized Buraimi and the capital of independent Oman by force.

Saudi Arabia has been relying on peaceful means of settlement and on support of the international community for such pacific settlement. It believes the United Nations will recognize its stake in preventing conflict by getting the "Buraimi Dispute" back into the safe channels of international arbitration.

III. MAIN POINTS AT ISSUE

Although the story of the "Buraimi Dispute" is complicated by many abortive attempts at settlement by negotiation and finally through arbitration, the main points at issue can be summarized briefly as follows:

- A. The British challenge to Saudi national unity;
- B. Bases of conflicting claims over the disputed region;
- C. The scuttling of arbitration proceedings.

A. The British Challenge to Saudi National Unity

The "Buraimi Dispute," as it was submitted to arbitration, has dealt with only one segment of a much larger problem of unmarked boundaries. Saudi Arabia wished to submit to arbitration other disputed areas to the east and south, but Britain refused. Hence the arbitration as initiated was undertaken as a pilot project with the hope of resolving other frontier issues later.

The fact that the British spokesmen have made all the claims and Britain has directed the aggressive actions could suggest that the boundaries to be drawn are between Saudi Arabian and British territories. Such is not the case. . The British behavior only demonstrates that the Arab rulers of the coastal strips have no present voice of their own. But they are still Arabs. And the British do not claim ownership of any territory in this part of the Arabian Peninsula, nor even the position there of a colonial power—at least as understood by the United Nations.

Yet when the British take matters into their own hands, fix boundaries of Shaikdoms under their "protection" to suit themselves, and command forces to occupy disputed regions, they challenge the Saudi movement for national unity.

As early as 1919 Mr. Andrew Ryan, who later as Sir Andrew served as British Minister at Jiddah, enunciated a policy for the Middle East in these words:

"... We cannot crush Pan-Islamism any more than we can crush the nationalisms of the West. *Our aim must be to divide, to conciliate, and to rule.* It is necessary to divide and to conciliate, because we do not want Moslems to rally as a whole around the fundamental but at present half forgotten principle that Moslems should not be ruled by non-

Moslems."⁷ (Italics supplied)

During the early negotiations in London (1935) King Ibn Saud pointed out in a cable that there was no division between his Government and the Shaikhs of the coasts. He asked then, and again in 1952, that the rulers concerned participate in the negotiations. But the British always insisted on speaking for the rulers under their control.

Yet when they describe the problem for the world public, the British usually say the dispute is just between the "little" rulers who enjoy their "protection" and the "big" King of Saudi Arabia.

The record of the Dammam Conference in January 1952 shows that the Ruler of Qatar spoke up once. He said that he had always "regarded the King of Saudi Arabia as his father" and would trust him to make a fair boundary. Sir Rupert Hay, chief British delegate, warned Prince Faisal, the Saudi representative, that only the British could speak with authority. Prince Faisal, in reply, warned Sir Rupert that undue British interference with negotiations between friends and neighbors would have "unfavorable repercussions."

The 1953 Saudi proposals for a plebiscite under neutral supervision in the disputed areas, and even for on-the-spot inquiries, have been repeatedly rejected, not by the Arab rulers involved—but by their British "spokesmen."

Since oil has become the main British preoccupation, their officials have not taken the trouble to balance the policy of "divide" with the admonition to "conciliate." They have increasingly resorted to the rule of force.

Today they have troops under their command guarding oil drilling operations at Fuhud, in the independent State of Oman, and occupy bases at Daqm and Ibri, in addition to maintaining forces in Buraimi and Nazwa.

Thus, a major point at issue is the British exercise of 19th century colonial rule at its worst, under the guise of "protecting" the interests of native rulers. For this strikes at the desire of the Arabs of the region for harmonious national unity.

B. Bases of Conflicting Claims Over the Disputed Region

Over the 20-year period of negotiations, various boundary lines have been proposed for consideration.

1. *The "Blue Line"*—This was designated as an arbi-

⁷ Documents on British Foreign Policy—1st ser., vol. 4 (1952) p. 1003.

trary southeastern limit of Turkish authority in an Anglo-Turkish Treaty of 1913 which was *never ratified*. The connecting "Violet Line" running to the southwest was defined in the Anglo-Turkish Treaty of 1914. These lines have never been recognized by Saudi Arabia. They certainly do not represent any territorial claims of coastal rulers under British "protection." Yet the British have at various times during the negotiations pegged their claims on the "Blue Line"—thus coveting a region as large as Texas.

2. *The "Fuad Line"*—This was named for King Ibn Saud's representative who suggested it in 1935 as a compromise when the British talked of not being "legalistic." But it was not accepted and became a deadletter proposal.
3. *The "Ryan Line"*—This was named for the British Minister to Jiddah who proposed it in 1935. It was slightly modified in 1937 and finally, when the British seized Buraimi in 1955, the U. K. proclaimed it the boundary.
4. *The 1949 Saudi Line*—This was drawn on the basis of exhaustive study of the territories used by tribes bearing allegiance to Saudi Arabia. Taken in connection with the Buraimi circle, it was accepted as the Saudi claim line to define the area in dispute for arbitration purposes in 1954.
5. *The 1952 British Line*—This was defined as the British claim line in the name of the Ruler of Abu Dhabi and was later used for arbitration purposes.

The region between the last two lines, plus the Buraimi circle, constituted the disputed area under the Arbitration Agreement—an area of some 75,000 square kilometers, or about 30,000 square miles.

The British claim almost all of this huge territory in the name of the Ruler of Abu Dhabi, but allocate two of the eight towns and villages in the Buraimi circle to the Sultan of Muscat. This would of practical necessity require a partition of the area between two rulers, requiring another boundary line between villages which share interconnected water systems.

The U.K. supports these claims with extensive references to an eight-month-long occupation of Buraimi in 1848 by the forces of the Ruler of Abu Dhabi, to his brother's ownership of some property and

his winter residence there, to some collections of gifts and so-called taxes, and to the Sultan's sporadic attempts to exercise his authority.

The Saudis base their claims on historical data running back almost continuously to the 18th century. These data show the Saudi allegiance of the tribes in the area, records of taxes paid—especially during the past 40 years—and cases of disputes settled by the King's representatives and of crimes punished. In its Memorial to the Tribunal, the Saudi Government cited scores of British authorities to support its claim that neither the Ruler of Abu Dhabi nor the Sultan of Muscat ever exercised effective control of the disputed area, or even made claims that the British officials took seriously until they began to covet oil.

Yet even without such extensive documentation, it should not be difficult to answer this question: Why would tribes in the desert hinterland numbering 10 times the population of a fishing village on the Trucial Coast accept the rule of the British—"protected" Shaikh of Abu Dhabi?

The Rulers of Abu Dhabi have not set an example of virtue. At various times during the last 100 years many have seized power by shooting their fathers, brothers, or other relatives. A series of such assassinations were graphically described by the British Political Resident in 1929. The device of inviting the ruling Shaikh to dinner and then shooting him in the back as he left was used twice within two years. The British did not intervene as long as each murderer was as subservient to British aims as the ruler he displaced.

Whether one believes that self-respecting tribes would choose rulers of this sort, the British testimony on the actual authority of their puppet rulers is at least interesting.

"The territorial possessions of the Maritime States," wrote the British Resident, Capt. A. B. Kemball, in 1854, "are confined to the inhabited spots on the sea coast, and may be said to be bounded by the walls of their towns, and by the date groves in the immediate vicinity."

In 1904 the Home Government "expressed a desire that it should be clearly understood that their interest and influence were to be confined strictly to the coast line of Eastern Arabia."

The *Admiralty Handbook*, which reached the general public by 1920, put the Buraimi oasis outside the authority of either the Ruler of Abu Dhabi or the Sultan of Muscat. It stated:

"At the present moment the Sultan's authority is limited to his capital and the coast-line; the populations of both the interior and the west and north of Oman, in other words the great proportion of the inhabitants, do not acknowledge his sway, and live in practical independence of him under their own chiefs."

To make it very plain, the *Handbook* stated, "In fact, no Sultan for some generations has been able to establish or maintain his authority without our help."

The *Handbook* of the Iraq Petroleum Company as late as 1948 scorned the claims of the Sultan of Muscat and the Shaikh of Abu Dhabi to vassals west of the Oman mountains. It stated, "none of these (rulers) has established his ability effectively to control these tribes, or to secure to the Companies *full rights of access*. They must therefore be treated as effectively independent, and the problem of securing amicable entry and *freedom of prospecting in their country* has not yet been fully solved." (Italics supplied)

This is only a small sampling of quotations from the Saudi Memorial which proved from British sources the weakness of British claims and supported Saudi Arabia's contentions. When the British saw the record, to which their authorities had contributed so much, laid before the Arbitration Tribunal in 1955, is it any wonder that they sought an excuse to scuttle the proceedings?

C. The Scuttling of the Arbitration Proceedings

The plan of the Tribunal at its first meeting in Nice, France, in January 1955, called for a meeting in Geneva the first week of September to study the printed Memorials of both sides. At Nice, Saudi Arabia proposed neutral supervision of the area during arbitration. The U.K. demurred, but then served notice on August 25th that it would submit complaints to the Tribunal of alleged Saudi violations of the Arbitration Agreement.

Although the Tribunal was composed of experienced international judges, accustomed to discounting spurious evidence, the British diverted the proceeding from the merits of the case by demanding immediate censure of Saudi Arabia on five counts. These counts together with the rejoinders are summarized below.

1. That the Saudi police detachment in Buraimi exceeded

the agreed strength of 15 by 4 to 6 men.

The Saudi Agent explained that this was the case only if the cook, the sweepers and the Captain's boy were counted.

2. That passengers had been carried to and from Buraimi by the Saudi aircraft supplying the police detachment.

This was shown to refer to some local people who used the opportunity to make their pilgrimage to Mecca.

3. That Saudi Arabia had attempted to send arms and ammunition into the disputed area.

A British-led force seized a few rifles in an area outside the region marked for arbitration and asserted that they were being delivered by Saudi Arabia to chiefs in Buraimi. There was no proof on where the rifles came from or for whom they were intended.

4. That the Saudis refused to permit the distribution of relief supplies to the victims of a fire in Hamasa village during July 1955.

The village chiefs refused the proffered relief contributions. How this affected the Arbitration Agreement was not clear. The point apparently was introduced to prove that the British were benefactors of the people of the Oasis.

5. That a Saudi official had tried to subvert, unsuccessfully, the brother of the Ruler of Abu Dhabi and others in the disputed area from their alleged allegiance to Abu Dhabi or Muscat by bribery. The most spectacular charge was that 30 million pounds (85 million dollars) in one cash delivery was offered to the brother if he would cast in his lot with Saudi Arabia.

This bribery charge is partly disposed of in Section IV of this article. But because it has loomed so large in British propaganda, it deserves more detailed treatment.

The charge of "bribery" was featured in England as the primary reason for terminating the arbitration. Yet Britain's practice for centuries in the Middle East has made "bribery" its standard procedure. It calls this "subvention"—which is a subsidy for allegiance.

Every one of the Shaikhs of the Trucial Coast and the Sultan of Muscat, parties to this case, have been receiving large "subsidies" or "subventions" from the British since they came to power, as their

forebearers did for almost 200 years.

The "bribery" charge as an excuse for walking out of the arbitration is briefly examined on p. 84. It was based wholly on prejudiced and discredited testimony. Since then the British have claimed that their seizure of Buraimi turned up fresh evidence of more general attempts to bribe local chiefs to side with the Saudis.

The fact is that most of the money the British officers confiscated and returned to the Saudi Government was ear-marked for those victims of the fire in Hamasa.

One further word on the "bribery" count is in order: What the British call "bribery" by Saudi Arabia is actually traditional gift giving—a custom they themselves follow.

It would be an insult not to give an appropriate present to a visiting chief of a tribe when he pays his respects to the King or his representative.

The British member of the Tribunal knew that the charges had failed to impress the neutral members, and that the expressed readiness of the Saudis to comply with any ruling of the Tribunal had convinced them of Saudi sincerity and of Saudi eagerness to make the arbitration succeed. When the Tribunal met to announce its decision, the British member, Sir Reader Bullard, resigned over the protests of his colleagues and walked out.

Does this action leave any doubt about its purpose when viewed in the light of the subsequent British-led occupation of the disputed territory and the unilateral declaration of the British 1935-37 boundary line?

Any doubt as to the real British intent can be resolved by asking: Who favors a resumption of arbitration and who opposes it?

The following questions summarize the main points at issue:

Which party has used force and violence? And which has consistently sought pacific means of settlement?

Which party urged a plebiscite in the disputed territory under neutral supervision?

Which party has advocated participation of the rulers (in whose name the claims on these regions are made) in the negotiations and discussions?

Which party wanted on-the-spot investigations of the facts and circumstances?

Which party urged neutral supervision of the area during arbitration?

Which party represents the cultural and religious aspirations of the Arabs? Which party is operating as an outsider with colonial inclinations?

IV. SOME BRITISH CLAIMS vs. FACTS

Prime Minister Eden made a brief report to the House of Commons on 26 October 1955, justifying the military occupation of Buraimi and the unilateral British declaration fixing a boundary line in southeastern Arabia.

Whether or not his statement was based on misinformation given him, his report certainly misled Mr. Attlee, leader of the Opposition in Parliament. Taken in connection with highly colored and distorted dispatches from Buraimi in the British press, Eden's words no doubt misled many British leaders and world opinion.

Mr. Attlee voiced support for the Government's position, believing the Prime Minister had proved "that it was impossible to have a fair arbitration" and "that this was shown by the retirement of the neutral members" of the Tribunal.⁸

Here are 5 contrasts between *claims* and *facts*:

1. *Claim—about the termination of arbitration:*

Prime Minister Eden said: "The proceedings before the arbitration tribunal have *broken down*, and the British member of the tribunal *and* its Belgian President have resigned . . . I have just learned that Dr. Dihigo, one of the two remaining members of the tribunal appointed as a neutral, has also resigned." (*Italics supplied*)

Does he not seem to be saying that the Saudi Arabian party to the dispute under arbitration has done something to cause a breakdown, and that *then* the British member resigned with the support of the two neutral members of the Tribunal?

The facts are:

The British Agent had asked the Tribunal to condemn Saudi Arabia on 5 counts. The Tribunal had listened to British accusations and Saudi replies, examined witnesses and considered claims. The neutral members had decided that the British charges were either unsupported by proof or irrelevant and trivial.

The British member, Sir Reader Bullard, knew that the Tribunal would hand down an adverse ruling on the British demands for Saudi censure when it met September 16th. He

hastily resigned at this meeting before the decision could be voted and announced.

The Belgian president did not resign *with* him, but instead tried to dissuade the British member from resigning and urged him at least to wait "ten minutes" until the Tribunal rendered its decision on the pending complaints.

The record shows that the proceedings did not "break down"; they were scuttled by the British member who walked out.

After Britain had disrupted the arbitration proceedings and did not name a substitute member of the Tribunal, the Belgian president resigned. But he stated that he would reconsider if both parties were "genuinely anxious to carry on the arbitration." The Cuban member later followed his lead to allow full freedom to the parties in taking next steps.

The record shows that the neutral members did not act *with* the British member, but only after his withdrawal terminated the arbitration proceedings.

2. *Claim—of a Saudi "invasion":*

Prime Minister Eden said:

"Finally, in August (1952), in the region of Buraimi, the Saudi official Turki bin Ataishan, after passing through the territory of the Ruler of Abu Dhabi, *invaded* the territory of the Sultan of Muscat and established himself in a village belonging to the Sultan." Further on he refers to this as "Turki's armed incursion."

The facts are:

(1) Only quite recently did the Sultan even make a claim on Buraimi. The validity of the Sultan's claim, as advanced and supported by the British, was one of the points at issue in the arbitration; for it conflicted with Saudi Arabia's claim based upon massive evidence of governing the area for some 150 years.

Leading British authorities on the Arabian Gulf, such as J. G. Lorimer, in the official British *Gazetteer*, 1908, categorically assert that the Buraimi Oasis was "not included among the Sultan's possessions."

In 1927, a few years before oil was discovered, the Sultan's British Finance Minister stated that the

⁸ London Times, 27 October 1955.

frontier of the Muscat State lay 60 kilometers due east of Buraimi. He reported that when he asked the chiefs of Buraimi for permission to visit their oasis, he was informed that "these places are within the territory of Ibn Saud" (the late King of Saudi Arabia).

The British *Iraq Petroleum Company* (IPC) in its *Handbook* of 1948 characterized the Sultan's claim in Buraimi as "exceedingly difficult to substantiate." A British explorer, Wilfred Thesiger, who visited Buraimi in 1948, explained why in these words: "Recently Saiyid Sa'id, Sultan of Muscat, pressed his claims to overlordship in the Buraimi area but the sheikhs and tribesmen concerned clamorously rejected them. Well aware that these claims were occasioned by the growing search for oil, these tribes . . . determined to prevent all further exploitation of their territories by Europeans."

- (2) Turki came to Buraimi as the representative of the King at the request of loyal Shaikhs who were worried over British pressure on them. He arrived not at the head of an army, but with about 40 civil and domestic servants. He could not have entered or stayed as the King's Governor had he not been welcomed and supported by the tribes in Buraimi which number some 10,000 souls. Turki was withdrawn under the terms of the Arbitration Agreement.

3. *Claim—about British "support" of seizure:*

Prime Minister Eden said:

"Her Majesty's Government have therefore felt obliged in the exercise of their duty, which is to protect the legitimate interests of the Ruler of Abu Dhabi and the Sultan of Muscat, to advise them that the attempt to reach a just compromise by means of arbitration has failed. The forces of these rulers, supported by the Trucial Oman Levies, have accordingly this morning taken steps to resume their previous control of the Buraimi Oasis and areas to the West of it.

My latest information is that the Saudi force has been evacuated from the Buraimi Oasis. . . ."

The facts are:

The impression given here that "these rulers" took over Buraimi on their own is contrary to facts as shown in the graphic account of the seizure by Noel Barber in the *London Daily Mail*, 31 Oct. 1955.

"Today I flew here (to Buraimi) in a chartered aircraft from Bahrein via Sharjah, which is stiff with British troops. Col. Eric Johnston of Strawberry Hill, Twickenham, the British officer in command of the raid, met me . . ." (Italics supplied)

"Detachments from three Allied forces, he told me, took part in the attack:

"One—the Trucial Levies, 800 strong, led by 11 British officers and 12 British NOCs seconded from the Army. . . .

"Two—The Muscat and Oman field forces of 500 Arabs, with British officers, paid by the Sultan." (Who is heavily subsidized by the British)

"Three—The private army of the Sheikh of Abu Dhabi and his three brothers, all staunch friends of Britain . . ."

Even assuming that the Abu Dhabi's contingent was a baker's dozen, the 1300 troops under British command were in bold contrast to Turki's little band of 40, which Eden called an "armed incursion." And the ground forces were supported by British bombers, besides.

A further fact is that the only Saudi force in the area was a 15-man police contingent provided for in the Arbitration Agreement. Noel Barber described the attack in these words:

"One force went three miles to the south of Hamassa and attacked the Saudi police post while its commanding officer and 14 men were asleep. They overpowered it almost without opposition, only one shot being fired."

The Saudi account was quite different: It happened just after the dawn prayer as the police were preparing their morning coffee. A British officer entered the camp. The Saudi commander rose to invite him to join them for coffee. The Englishman poked a gun in the Saudi officer's ribs; the Saudi pushed it aside. The gun went off, wounding him in the leg. The shot was a signal for the seizure and disarming of the

other Saudi policemen.

4. *Claim—concerning British motivations for the seizure:*

Prime Minister Eden said:

"I regret that this step should have been necessary. But, as negotiations and arbitration have both *failed*, we have no other means of *honouring our obligations and standing by our friends*. I hope that in time the Saudi Arabian Government will accept the solution we have had to declare." (Italics supplied)

The facts are:

The British control the external affairs of the Ruler of Abu Dhabi and the Sultan of Muscat, and command their effective armed forces.

The British press bluntly points to motivations more important than "standing by our friends." Most accounts speak of the Sultan as "friends" who are standing by Britain.

For what purpose?

"BRITAIN IS DETERMINED TO PROTECT HER OIL INTERESTS" was the purpose which was headlined in the Daily Mail on 31 Oct. 1955, over the Noel Barber story from from Buraimi.

"*Behind everything here*," wrote Barber after talking with British officers in command in Buraimi, *is the battle for oil*." (Italics supplied)

"Then came oil" wrote Donald Wise in his dispatch from Buraimi to the Daily Express, 31 Oct. 1955. "It was found further up to coast, but beneath the sweet waters of Buraimi experts believe there is a vast oil-field."

"We cannot allow anyone, whoever they are," editorialized the Daily Mail, 8 Nov. 1955, "to interfere with our oil interests. We need increasing supplies of oil to compensate ourselves for our coal losses. We need this great fountain of revenue to replace in part the assets we lost fighting two world wars in the cause of freedom."

5. *Claims—on British charge of bribery:*

Prime Minister Eden said:

"Bribery and intimidation on a wide scale has taken place in the disputed area . . ."

Donald Wise, writing from Buraimi as a guest of British officers, put it more sensationally in the Daily Express, 1 Nov. 1955.

"I can now reveal that the bribe offered the sheikhs of Buraimi on the oil-rich Persian Gulf to *betray their British Allies* was not 30 million pounds (or 85 million dollars)—*it was 60 million pounds*." (Italics supplied) Noel Barber in the Daily Mail, 1 Nov. 1955, called it, "the biggest bribe the world has ever known."

The facts are:

This bribe story rests on the word of one man, Shaikh Zayid, a brother of the Ruler of Abu Dhabi. He claimed that various bribe offers were made to him by a Saudi official, named Quraishi, at *secret meetings in the desert*.

Barber quotes Zayid's report of the first bribe offer in these words: "Quraishi told him, 'I've just heard from King Saud that the Arbitration Award over the Buraimi Oasis will definitely be in favour of Saudi Arabia. If you will come over to us, the King has authorized me to assure you that he will give you 50 percent of any profits from the area if oil is discovered.'"

The above conversation was supposed to have taken place "one night" in March, 1955, several months before the Saudi and British cases were even submitted in Memorials to the Tribunal.

Would such a groundless prediction of the outcome be believable? And is it not a self-evident mark of fabrication to claim that a huge bribe was offered to a man who would have no status at all if the arbitration award went to the Saudi side?

The fact is that the British brought Shaikh Zayid all the way to Geneva to testify that he had been offered a 400 million rupee bribe (about 85 million dollars) by the Saudi official. Quraishi, the Saudi official, came to deny it. The story that this huge sum was to be paid in a single cash delivery, secretly, is fantastic. A thousand camels would be needed to transport it in gold, and many times that number, in silver.

A written detailed story of three secret meetings, *unsupported by any other evidence*, was submitted to the Tribunal in English—with an Arabic translation. But when

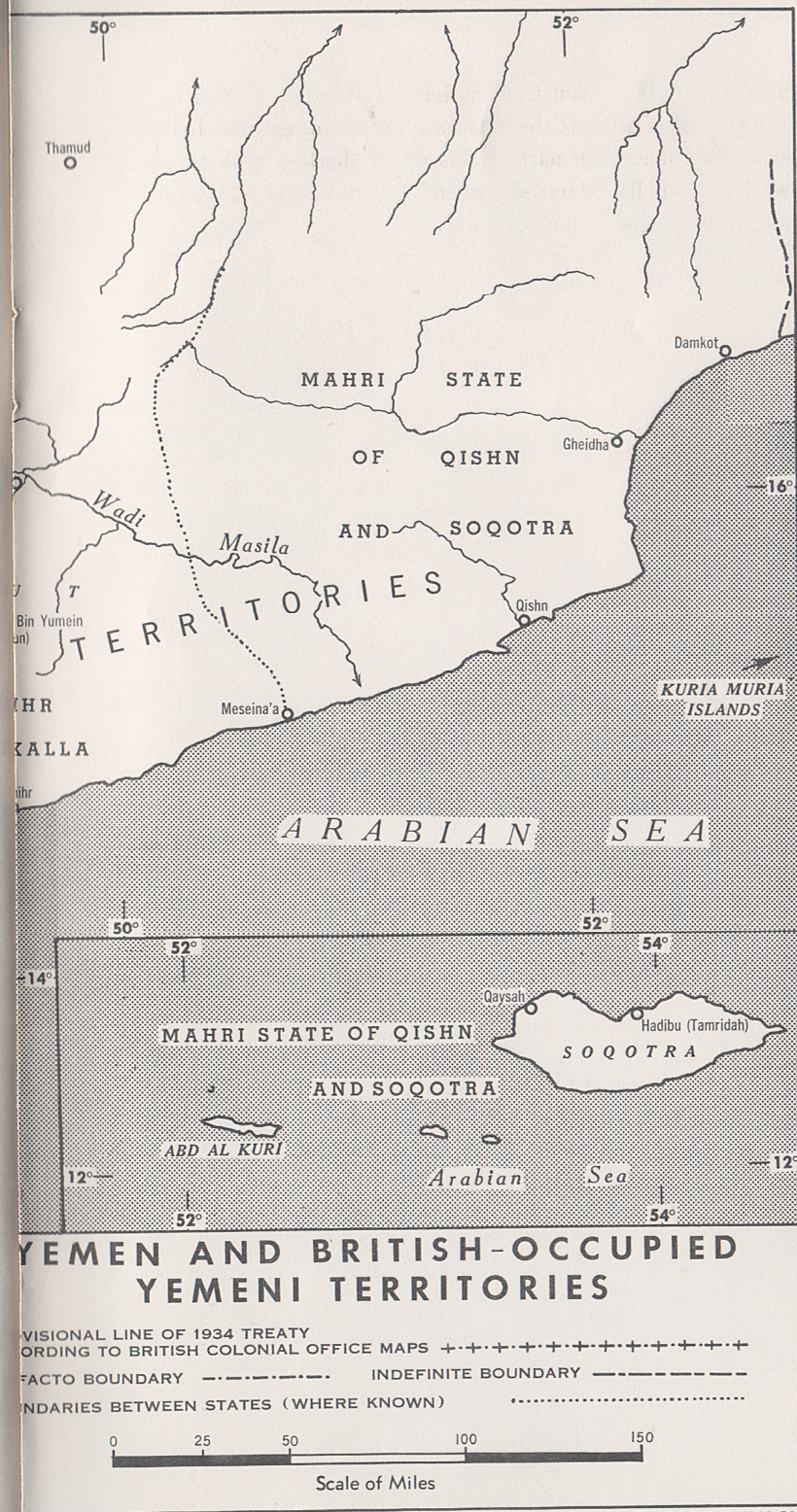
Shaikh Zayid was asked to recount incidents in his own words—even what happened only six weeks before—he could not remember. He repeated over and over, “Read me what is in my statement and I will tell you whether it is true or not.”

The bribery complaint was the main British charge on which the Tribunal was about to rule when the British member suddenly resigned and walked out. The neutral members had unanimously decided that the bribery charge was unsubstantiated.

These five *claims* which the British have advanced to support their policy are shown by the *facts* to be wide of the truth.

The facts that undermine the claims come mostly from British sources.

The contrasts between British *claims* and the *facts* show why Britain abandoned the Arbitration proceedings, and seized the area at issue.



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